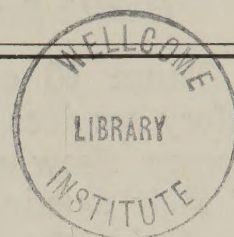


WELLCOME INSTITUTE LIBRARY	
Coll.	WelMOmec
Coll.	pam
No.	WA32
	.BA1
	1967
	G-78h

Health Services and Public Health Bill



Gov.
Pubs.

Health Services and Public Health Bill Explanatory and Financial Memorandum

The purpose of the Bill is to amend and supplement existing legislation in order to promote miscellaneous improvements in the health and welfare services, and the public health services.

The Bill is, in the main, a Great Britain measure, but there are a few clauses which do not apply to both countries. For the purposes of this Memorandum, the word "Minister" includes both the Minister of Health and Secretary of State for Scotland, except where a clause is stated not to apply to Scotland.

Part I. Amendments connected with the National Health Service

Hospital and Specialist Services

Clauses 1 and 2 enable the Minister to make accommodation in National Health Service hospitals available for private patients, without the accommodation having to be specially set aside for the purpose. Clause 1 also enables charges for private resident patients to be fixed on a national basis for classes of hospitals, and for these charges to be determined by the Minister without recourse to regulations.

Clauses 2 and 4 similarly enable him to determine charges for private non-resident patients and for amenity beds, respectively.

Clause 5 enables the Minister to designate by Order certain hospitals which provide teaching facilities as university hospitals, a new form of designation which will be available as an alternative to designation as a teaching hospital under existing provisions.

Clause 7 provides for a more equitable distribution of the income of the Hospital Endowments Fund, and a wider scope of investment for the capital of the Fund.

Clauses 5 and 7 do not apply to Scotland, where teaching hospitals are already a part of the Regional Hospital Board structure, and endowments are vested in Boards of Management.

Health Services provided by Local Health Authorities

Clause 10 consolidates existing provisions relating to midwifery services with amendments to enable midwives to attend women elsewhere than in their own homes, which is the limit of their existing duty; and to make available their services to hospital authorities.

Clause 11 extends the power of local health authorities similarly to allow health visitors and nurses to attend patients elsewhere than in their homes.

Clause 12 consolidates with minor amendments the existing provisions relating to the powers of local health authorities in relation to prophylaxis, care and after-care. (This clause does not apply to Scotland.)

Clause 13 replaces existing provisions relating to the domestic help service. It makes it a duty for local health authorities to provide this service, and empowers them to make available laundry facilities as a part of it.

Clause 14 enables local health authorities in Scotland to make arrangements for the giving of advice on family planning and for the supply of contraceptive substances and appliances. Similar provisions already exist in England and Wales.

*General medical, dental and ophthalmic Services
and pharmaceutical Services*

Clause 15 and Schedule 1 consolidate the provisions relating to the constitution of Executive Councils in England and Wales, with amendments relating to increased membership as a consequence of the provisions in clauses 16 and 17.

Clauses 16 to 18 enable the supplementary ophthalmic services to be placed on a permanent basis, and to be administered in the same way as the other family practitioner services. The scope of the ophthalmic services will be unaltered, although they will in future be known as the general ophthalmic services. Provision is made for opticians to carry on private practice in health centres, on terms determined by the Minister.

Clause 20 makes similar provision with respect to private practice at health centres by dentists and pharmacists.

Clause 21 re-enacts and extends to opticians and chemists the provisions concerning the use of health centres in England and Wales by practitioners. A similar effect is achieved for Scotland in clauses 18 and 20.

Clause 23 gives Executive Councils specific powers, subject to the Minister's consent and on such terms as he and the Treasury may approve, to supply goods to doctors, dentists, chemists and opticians.



Clause 24 gives the Minister and the National Health Service Tribunal express power to hold an inquiry concerning the removal or disqualification of persons providing family practitioner services.

Clause 25 replaces existing provisions relating to instruction for persons providing family practitioner services, and extends them to persons contemplating the provision of these services under the English, Scottish and corresponding Northern Irish legislation.

Finance, etc.

Clauses 26 to 28 deal with various matters of a largely technical nature concerning the approval of expenditure of Hospital Management Committees (in Scotland, Boards of Management) by Regional Hospital Boards, instead of by the Minister, the accounts of National Health Service Bodies, and the regulation of their financial arrangements.

Miscellaneous Provisions

Clauses 29 and 30 enable the Minister to allow services (e.g. laundry facilities) and goods (e.g. surgical dressings, artificial eyes) in excess of the requirements of the hospital service to be used outside the service, on such terms as he may determine, and to provide such services and goods in excess of the requirements of the Hospital Service.

Clause 31 gives the Minister an express power to provide powered invalid vehicles and various associated benefits for the severely disabled. It also enables a motor-car, rather than an invalid carriage, to be supplied in cases which the Minister deems to be appropriate. Existing provisions relating to charging for more expensive appliances will apply to motor-cars.

Clause 32 enables acceptance into the National Health Service Superannuation Scheme of the staff of independent hospitals used for the provision of hospital and specialist services under arrangements with teaching hospitals as provided for in clause 6. (Neither clause 6 nor clause 32 applies to Scotland, where teaching hospitals are a part of the Regional Hospital Board structure.)

Clause 33 enables the Minister to make a general code of compensation for hospital and Executive Council staff who suffer financial loss through, for example, amalgamation of hospital authorities or Executive Councils. It replaces his present ad hoc powers.

Clauses 34 and 35 consolidate existing provisions relating to the payment of allowances and remuneration to members of National Health Service bodies and also enable members of

other bodies specified by order to receive them. The former power to make regulations relating to payments is replaced by a power to determine them.

Clause 38 enables the Minister to make arrangements for the re-housing of private residents displaced by hospital development schemes, where he is satisfied that there is no other suitable accommodation available.

Clause 39 applies to Scotland only, and extends the existing power of Executive Councils (if authorised by the Secretary of State) to provide residential accommodation for medical practitioners, so as to enable the provision of practice accommodation also (these provisions will apply, in the main, in the highland areas).

Part II. Amendments connected with local authorities' services under the National Assistance Act, 1948

Clause 42 enables local authorities to accommodate the elderly and the handicapped in registered homes run privately for profit, as well as in local authority or voluntary homes as at present.

Clause 43 enables authorities to make arrangements, subject to the Minister's approval, to promote the welfare of the elderly, and empowers the Minister to direct them to do so. This will enable authorities to develop "preventive welfare" for the elderly generally, in a similar manner to their power and duties in respect of the handicapped of all ages.

Part III. Notifiable Diseases and Food Poisoning

This part does not apply to Scotland.

Clause 45 amends the list of "notifiable diseases" in the Public Health Act, 1936.

Clauses 46 to 49 replace with amendments existing provisions relating to the notification of notifiable diseases and food poisoning: in particular the duty to notify is confined to the medical practitioner attending the patient.

Clause 50 replaces the existing provision enabling a local authority to declare infectious diseases to be notifiable in their district (and therefore subject to existing legislation) by a power enabling the authority by Order to apply to diseases that are not notifiable such provisions relating to notifiable diseases as they think fit.

Clauses 51 and 52 provide for a person who, or a group of persons, one of whom is reasonably believed to be carrying an organism capable of causing infectious disease to be medically examined; at present, only persons reasonably believed to be, or to have been, suffering from such a disease can be examined.

*Part IV. Miscellaneous Matters**Provisions applicable alike to England and Wales and Scotland*

Clause 57 amends the Nurseries and Child-Minders Regulation Act 1948, to remove various deficiencies which have become evident in its operation; in particular, it changes from "a substantial part of the day" to two hours in the aggregate the minimum period of reception of children which requires registration of premises or child minders. It increases the penalties under section 4 of the Act; and makes provision concerning applications for registration, and for a penalty for false statements. The powers of entry into registered premises under section 7 are extended to homes of registered persons.

Clause 58 empowers the Minister, by Order subject to affirmative resolution in both Houses of Parliament, to extend the existing definition of "welfare foods". This will, for example, enable preferable alternatives to existing welfare foods to be supplied, if they become available.

Clause 59 brings hover-vehicles within the provisions of the Public Health Act 1936, relating to vessels, and the provisions of the Food and Drugs Act 1955, relating to ships, and within the corresponding Scottish provisions.

Clause 60 puts on a statutory basis the present practice whereby the Minister gives financial assistance to voluntary organisations in the health and welfare field.

Clause 61 consolidates and extends the powers of local authorities to give financial and other assistance to similar voluntary organisations.

Clause 62 empowers the Minister to purchase, store and supply to local health and welfare authorities, education authorities (in relation to school health services) and Executive Councils goods required by such authorities in the provision of their services, or by Executive Councils under their arrangements with practitioners.

Provisions applicable to England and Wales only

Clause 64 repeals the provision in the Public Health Act, 1936, providing for the removal to hospital of a person suffering from tuberculosis of the respiratory tract protection of the public health can be satisfactorily achieved in other ways.

Provisions applicable to Scotland only

Clause 66 provides for compensation to be paid when employment is stopped to prevent the spread of disease (a similar provision already applies in England and Wales).

Clause 67 applies in Scotland similar provisions to those contained in clauses 51 to 54.

Clause 68 re-enacts in modern terminology the existing provisions relating to the powers of entry of a medical officer of health into premises in connection with his statutory public health duties, or the control of infectious diseases (broadly similar provisions already exist in England and Wales).

Clause 70 amends provisions dealing with the correspondence of patients in State hospitals in Scotland, bringing them broadly into line with existing provisions in England and Wales.

Part V. General

Clauses 72-74 deal with expenses and receipts, consequential amendments, the short title, commencement and extent of the Bill.

Financial Effects

Clause 31 enables the Minister to provide motor cars instead of invalid carriages but the phasing of such a programme has not yet been decided upon, and the cost cannot, therefore, be stated at this stage. Some increase of expenditure under the powers conferred on local authorities under clause 43 to promote the welfare of the elderly may be expected, and may lead in due course to increased Exchequer support for local authority expenditure through Rate Support Grants, which have so far been determined up to 31st March, 1969. No significant net financial effect is expected to arise from the other improvements in the health and welfare and public health services for which the Bill provides.

Health Services and Public Health Bill

ARRANGEMENT OF CLAUSES

PART I

AMENDMENTS CONNECTED WITH THE NATIONAL HEALTH SERVICE

Hospital and specialist Services

Clause

1. Accommodation and treatment, at hospitals providing hospital and specialist services, of persons as private resident patients.
2. Accommodation and treatment, at hospitals providing hospital and specialist services, of persons as private non-resident patients.
3. Transitional provisions relating to accommodation and treatment of private patients in England and Wales.
4. Amendment as to fixing of charges for accommodation made available on part payment.
5. Power of the Minister to designate certain hospitals in England and Wales as university hospitals.
6. Power of Board of Governors of a teaching hospital to administer services outside the hospital.
7. Distribution of income, and investment of capital, of Hospital Endowments Fund.
8. Amendments as to association with universities of provision of hospital and specialist services.
9. Amendments as to appointment of officers.

Health Services provided by local health Authorities

10. Midwifery services.
11. Health visiting and district nursing.
12. Prophylaxis, care and after-care.
13. Domestic help and laundry facilities.
14. Provision of advice &c. for purposes of family planning in Scotland.

General medical, dental and ophthalmic Services and pharmaceutical Services

15. Constitution, &c., of Executive Councils in England and Wales.
16. Alteration of references to services provided in accordance with arrangements under section 41 of the 1946 Act.

Clause

17. Provision of ophthalmic services by Executive Councils in England and Wales to be on permanent basis, and facilities for provision thereof to be available at health centres.
18. General ophthalmic services in Scotland.
19. Redefinition of "dispensing optician" and "ophthalmic optician" for purposes of the 1946 and 1947 Acts.
20. Additional dental and pharmaceutical services for whose provision facilities can be made available at health centres.
21. Use of health centres in England and Wales by practitioners.
22. What drugs are to be made available to recipients of general dental services.
23. Power of Executive Councils to supply goods and materials to persons providing certain services.
24. Inquiries in connection with removals of disqualifications of practitioners and others.
25. Provision of instruction for persons providing, or contemplating the provision of, services under Part IV of the 1946 Act or corresponding Scottish or Northern Irish provisions.

Finance, &c.

26. Approval of expenditure of Hospital Management Committees, Boards of Management and Medical Education Committees by Regional Hospital Boards instead of by the Minister.
27. Accounts of Regional Hospital Boards and other bodies.
28. Regulation of financial arrangements of hospital authorities and other bodies.

Miscellaneous Provisions

29. Power of the Minister to make services available outside national health service.
30. Power of the Minister to dispose of goods and, in certain circumstances, to produce or manufacture them otherwise than for purposes of hospital and specialist services.
31. Provision of vehicles for persons suffering from physical defect or disability.
32. Superannuation of officers of hospitals outside national health service used for providing hospital and specialist services by agreement with Boards of Governors.
33. Compensation for loss of employment, &c., attributable to re-organisation of provision of hospital services, &c.
34. Payment of allowances and remuneration to members of certain bodies established by or under the 1946 Act and members of certain other bodies in England and Wales.

Clause

35. Payment of allowances and remuneration to members of certain bodies established by or under the 1947 Act and members of certain other bodies in Scotland.
36. Power to confer right of appeal from determination of committee as to medical practitioner's qualifications.
37. Power to recover cost of replacing appliances where the replacement is necessitated by lack of care.
38. Accommodation for persons displaced in course of development for purposes of the Acts relating to the national health service or to mental health.
39. Provision of practice accommodation in Scotland.
40. Orders and regulations.
41. Interpretation of Part I, and application of provisions of the 1946 and 1947 Acts.

PART II

AMENDMENTS CONNECTED WITH LOCAL AUTHORITIES'
SERVICES UNDER THE NATIONAL ASSISTANCE ACT 1948

42. Extension of power, under the National Assistance Act 1948, of local authority to provide accommodation elsewhere than in premises managed by them or another such authority.
43. Promotion, by local authorities, of the welfare of old people.
44. Application to Isles of Scilly.

PART III

NOTIFIABLE DISEASES AND FOOD POISONING

45. Redefinition of "notifiable disease".
46. Cases of notifiable disease and food poisoning to be reported to local authority.
47. Supply of forms for purposes of section 46.
48. Fees for certificates under section 46.
49. Reimbursement of fees in certain cases.
50. Powers of local authority to extend category of notifiable diseases.
51. Power of justice of peace to order examination of person believed to be carrier of notifiable disease.
52. Power of justice of peace to order medical examination of group of persons believed to comprise a carrier of a notifiable disease.
53. Construction of references to medical examination
54. Construction of section 143 of Public Health Act 1936.
55. Interpretation of Part III.
56. Extent of Part III.

PART IV

MISCELLANEOUS MATTERS

*Provisions applicable alike to England and
Wales and Scotland*

Clause

57. Amendment of Nurseries and Child-Minders Regulation Act 1948.
58. Welfare foods.
59. Hover vehicles brought within scope of Acts relating to public health and food and drugs.
60. Financial assistance by the Minister of Health and the Secretary of State to certain voluntary organisations.
61. Financial and other assistance by local authorities to certain voluntary organisations.
62. Power of the Minister of Health and the Secretary of State to purchase goods for supply to local authorities and Executive Councils.

Provisions applicable to England and Wales only

63. Amendment of Mental Health Act 1959 in case where functions under Part IV thereof of county council are delegated.
64. Repeal of section 172 of the Public Health Act 1936.
65. Copy of notice under section 242 of the Public Health Act 1936 to be sent to health authority if it is not local authority.

Provisions applicable to Scotland only

66. Compensation for stopping employment to prevent spread of disease in Scotland.
67. Powers of sheriff or justice of the peace to order a medical examination in Scotland.
68. Power of medical officers of health to enter premises in Scotland.
69. Fees for certain certificates no longer payable under section 4 of the Infectious Disease (Notification) Act 1889 in Scotland.
70. Correspondence of patients in State hospitals in Scotland.
71. Grants to certain authorities in Scotland in respect of functions relating to imported food.

PART V

GENERAL

72. Expenses and receipts.
73. Consequential amendments and repeals.
74. Short title, citation, commencement and extent.

SCHEDULES:

Schedule 1—Executive Councils.

Schedule 2—Enactments of the National Health Service Act 1946 and the National Health Service (Scotland) Act 1947 applied.

Schedule 3—Consequential amendments of enactments and schemes.

Schedule 4—Enactments repealed.

A
B I L L

T O

Amend the National Health Service Act 1946 and the National Health Service (Scotland) Act 1947 and make other amendments connected with the national health service; to make amendments connected with local authorities' services under the National Assistance Act 1948; to amend the law relating to notifiable diseases and food poisoning; to amend the Nurseries and Child-Minders Regulation Act 1948; to amend the law relating to food and drugs; to enable assistance to be given to certain voluntary organisations; to enable the Minister of Health and Secretary of State to purchase goods for supply to certain authorities; to make other amendments in the law relating to the public health; and for purposes connected with the matters aforesaid. A.D.1967

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

AMENDMENTS CONNECTED WITH THE NATIONAL HEALTH SERVICE

Hospital and specialist Services

1.—(1) If the Minister is satisfied, in the case of a hospital providing hospital and specialist services, that it is reasonable so to do he may, subject to the provisions of this section, authorise accommodation and services at the hospital to be made, to such extent as he may determine, available for resident patients who undertake, or in respect of whom an undertaking is given, to pay such charges as the Minister may in accordance with the following provisions of this section determine, and the Minister may recover those charges.

Accommodation and treatment, at hospitals providing hospital and specialist services, of persons as private resident patients.

(2) The Minister may allow accommodation and services to which an authorisation under the foregoing subsection relates

PART I

to be made available in connection with the treatment, in pursuance of arrangements made by a medical practitioner or dental practitioner serving, whether in an honorary or paid capacity, on the staff of a hospital providing hospital and specialist services, of private patients of that practitioner as resident patients. 5

(3) The Minister, for the purpose of determining charges to be paid under subsection (1) above, may classify the hospitals providing hospital and specialist services and may, in the case of each class, determine, in respect of each period of twelve months beginning with 1st April first falling after the date on which the determination is made, the charges to be paid under subsection (1) above in respect of accommodation and services provided during that period at a hospital falling within that class: and in determining such charges in respect of a period the Minister shall have regard, so far as reasonably practicable, to the total cost (exclusive of costs appearing to him to be properly attributable to capital account) which, by reference to facts known to him at the time of the determination, it is estimated will be incurred during that period in the provision for resident patients of hospital and specialist services at hospitals falling within that class, and may include in any such charges, in such cases as appear to him fit, such amounts as appear to him proper and reasonable to be included by way of contribution to expenditure appearing to him to be properly attributable to capital account. 15 20 25

(4) The Minister may under the foregoing subsection determine different charges for different accommodation and for different services and in relation to different circumstances.

(5) The Minister may allow such deduction from the amount of a charge due by virtue of an undertaking given under this section by, or in respect of, a patient as he thinks proper— 30

(a) in respect of treatment given to the patient under subsection (2) above; and

(b) in respect of any period during which the accommodation to which the undertaking relates is temporarily vacated by the patient. 35

(6) Nothing in this section shall prevent accommodation from being made available for a patient other than one mentioned in subsection (1) above if the use thereof is needed more urgently for him than for a patient so mentioned and no other suitable accommodation is available. 40

(7) This and the next following section shall have effect in Scotland in place of section 5 of the 1947 Act.

PART I

Accommodation and treatment, at hospitals providing hospital and specialist services, of persons as private non-resident patients.

2.—(1) If the Minister is satisfied, in the case of a hospital providing hospital and specialist services, that it is reasonable so to do, he may authorise accommodation and services at the hospital to be made, to such extent as he may determine, available in connection with the treatment, in pursuance of arrangements made by a medical practitioner or dental practitioner serving, whether in an honorary or paid capacity, on the staff of any such hospital, of private patients of that practitioner otherwise than as resident patients, being patients who undertake, or in respect of whom an undertaking is given, to pay, in respect of the provision of any such accommodation and any such services, such charges as the Minister may determine, and the Minister may recover those charges.

(2) The Minister may under the foregoing subsection determine different charges for different accommodation and for different services and in relation to different circumstances.

(3) No accommodation and no services shall be so made available under subsection (1) above as to prejudice persons availing themselves of services at the hospital otherwise than as private patients.

3.—(1) The two last foregoing sections shall have effect in place of section 5 of the 1946 Act, and, except as hereinafter mentioned, that section shall accordingly cease to have effect.

Transitional provisions relating to accommodation and treatment of private patients in England and Wales.

(2) The said section 5 shall, by virtue of this section, continue to have effect in relation to an arrangement in force immediately before the coming into operation of this section for the provision under that section of accommodation for a patient; but if, at any time, the charges payable by virtue of the undertaking given under that section for payment of charges relating to the accommodation and services provided for the patient are higher than the charges which would, at that time, be payable if the accommodation and services were provided under section 1, or, as the case may be, section 2 of this Act, and an undertaking is given, by or in respect of the patient, for the payment of charges determined in accordance with the said section 1 or, as the case may be, the said section 2, then, as from the date on which that undertaking becomes effective, the said section 5 shall cease to have effect in relation to the said arrangement, and the said section 1 or, as the case may be, section 2 shall have effect accordingly.

(3) Charges prescribed by regulations in force under the said section 5 immediately before the coming into operation of this section shall, in respect of accommodation and services provided under section 1 or 2 of this Act during the period ending

PART I

with 31st March next following that date, be deemed to have been determined under the former section or the latter, as the case may be.

(4) This section does not apply to Scotland.

Amendment
as to fixing
of charges for
accommoda-
tion made
available on
part payment.

4.—(1) Section 4 of the 1946 Act (which empowers the Minister to make accommodation in single rooms or small wards available for patients who undertake, or in respect of whom an undertaking is given, to pay for the accommodation such charges as may be determined in the prescribed manner) shall, in relation to undertakings given after the coming into operation of this section, have effect as if, for the words “determined in the prescribed manner”, there were substituted the words “determined by the Minister”.

(2) The Minister may allow such deductions as he thinks fit from the amount of a charge due by virtue of an undertaking given (whether before or after the coming into operation of this section) under the said section 4 to be paid for accommodation in respect of any period during which the accommodation is temporarily vacated by the person for whom it is made available.

(3) Charges prescribed by regulations under the said section 4 which are in force immediately before the coming into operation of this section shall, in relation to undertakings given after the coming into operation of this section, be deemed to have been determined by the Minister under that section as amended by this section.

(4) This section shall have effect in Scotland as if, for any reference therein to section 4 of the 1946 Act, there were substituted a reference to section 4 of the 1947 Act; and as if, in subsection (1) thereof, for the words “determined by the Minister” there were substituted the words “determined by the Secretary of State” and as if subsection (3) thereof were omitted.

Power of the
Minister to
designate
certain
hospitals in
England and
Wales as
university
hospitals.

5.—(1) If the Minister is satisfied that a hospital vested in him or a group of hospitals so vested provides, or is to provide, for a university facilities for undergraduate or post-graduate clinical teaching, he may, after consultation with the university, by order designate the hospital or group as a university hospital.

(2) An order made under the foregoing subsection in relation to a hospital or group of hospitals may provide that Part II of Schedule 3 to the 1946 Act (constitution of Hospital Management Committees) shall have effect, in relation to the Committee appointed to exercise functions with respect to the management

and control of the hospital or group, subject to such modifications as may be specified in the order; but no provision shall be made by virtue of this subsection except after consultation by the Minister with the university with which the hospital or group is associated.

(3) Where the Minister makes an order under subsection (1) above in relation to a hospital or group of hospitals—

(a) it shall be the duty of the Regional Hospital Board for the area in which the hospital or group is situated to provide for the university with which the hospital or group is associated such facilities as appear to the Minister to be required for clinical teaching and research, and that duty shall, subject to and in accordance with regulations made by the Minister and such directions as may be given by the Minister or the Board, be exercised by the Hospital Management Committee for the hospital or group; and

(b) section 14(2) of the 1946 Act (which authorises the making of provision by regulations with respect to the appointment of medical and dental officers to the staff of hospitals and, in particular, for the constitution of advisory appointments committees consisting, in the case of a hospital other than a teaching hospital, of persons nominated by the Regional Hospital Board and the Hospital Management Committee of the hospital affected, respectively) shall, in the case of the hospital or the hospitals of the group, as the case may be, have effect as if, for the words “nominated by the Regional Hospital Board and the Hospital Management Committee of the hospital affected, respectively”, there were substituted the words “nominated respectively by the Regional Hospital Board, the Hospital Management Committee and the university with which the hospital is associated”.

(4) This section does not apply to Scotland.

6.—(1) The functions of the Board of Governors of a teaching hospital shall include power, subject to and in accordance with regulations made by the Minister and such directions as may be given by him, to administer on his behalf, in accordance with arrangements approved by him, hospital and specialist services provided at another hospital, being one not vested in him, and the services of specialists at all or any of the following places, namely, a health centre provided under Part III of the 1946 Act, a clinic and, if necessary on medical grounds, the home of a patient.

Power of Board of Governors of a teaching hospital to administer services outside the hospital.

(2) This section does not apply to Scotland.

PART I
Distribution
of income,
and investment
of capital,
of Hospital
Endowments
Fund.

7.—(1) The income of the Hospital Endowments Fund shall, instead of being distributed amongst the several Regional Hospital Boards and Hospital Management Committees in accordance with regulations having effect by virtue of sub-
section (5)(c) of section 7 of the 1946 Act (that is to say, pro-
portionately to the shares of the capital value of the fund
apportioned amongst those bodies), be so distributed in such
proportions as may, in accordance with regulations made by
the Minister, be determined at such intervals or on such
occasions as may be fixed by or under the regulations, and, 10
accordingly,—

- (a) in subsection (6) of that section (which relates to the use by those bodies of income derived from the said fund), for the words “under the last foregoing subsection”, there shall be substituted the words “which 15 is derived from the Hospital Endowments Fund; and
- (b) in subsection (7) of that section (which makes provision for securing that the objects of an endowment and the observance of any conditions attaching thereto are not prejudiced by the provisions of that section), the last 20 reference to that section shall be construed as including a reference to this subsection.

1961 c. 62.

(2) In section 56(2) of the 1946 Act (which authorises the payment to the National Debt Commissioners of moneys forming part of the said fund and the investment of moneys so paid in 25 any securities which are for the time being authorised by Parliament as investments for savings banks funds), for the words from “in any securities” onwards there shall be substituted the words “in any manner for the time being specified in Part I, II or III of Schedule 1 to the Trustee Investments Act 30 1961”.

(3) The proportions in which the said income is, by virtue of section 7(5)(c) of the 1946 Act, being distributed as aforesaid at the coming into operation of this section shall, for the purposes of subsection (1) above, be deemed to have been duly determined 35 in pursuance thereof.

(4) This section does not apply to Scotland.

Amendments
as to
association
with
universities
of provision
of hospital
and specialist
services.

8.—(1) Section 11(1) of the 1946 Act (which among other things requires the Minister to secure that each area for which a Regional Hospital Board is constituted is such that the pro- 40 vision of hospital and specialist services therein can conveniently be associated with a university having a school of medicine) shall have effect with the addition at the end thereof of the words “or with two or more such universities”.

(2) Part I of Schedule 3 to the 1946 Act (which among other 45 things requires that the members of a Regional Board shall include persons appointed after consultation with the university

with which the provision of hospital and specialist services in the area of the Board is to be associated) shall have effect with the insertion after the word "university" of the words "or universities".

5 (3) This section shall have effect in Scotland as if for the references therein to section 11(1) of, and Part I of Schedule 3 to, the 1946 Act there were substituted references to section 11(1) of, and Part I of Schedule 4 to, the 1947 Act.

10 9.—(1) Section 14(2)(b) of the 1946 Act shall have effect with the substitution, for the words "on the occasion of", of the words "for the purpose of filling". Amendments as to appointment of officers.

(2) Section 14(2)(b) of the 1947 Act shall have effect with the substitution, for the words "on the occasion of", of the words "for the purpose of filling".

15 *Health Services provided by local health Authorities*

10.—(1) It shall be the duty of every local health authority to secure, whether by making arrangements with Boards of Governors of teaching hospitals, Hospital Management Committees or voluntary organisations for the employment by those
20 Boards, Committees or organisations of certified midwives or by themselves employing such midwives, that the number of such midwives so employed who are available in the authority's area for attendance on women in their homes as midwives is adequate for the needs of the area and that the midwives
25 so available as aforesaid are enabled to render all services reasonably necessary for the proper care of the women upon whom they so attend. Midwifery services.

(2) A local health authority may make provision in their area in manner aforesaid for the attendance on women, elsewhere
30 than in their homes or in hospitals vested in the Minister, as midwives of certified midwives so employed.

(3) A local health authority may make arrangements with a Hospital Management Committee exercising functions with respect to the management and control of a hospital in the
35 authority's area or with a Board of Governors exercising functions with respect to the administration of a teaching hospital in that area for there to be made available in the hospital, on such terms and conditions as may be agreed, the services of certified midwives employed by the authority for the purposes
40 of either of the two foregoing subsections.

(4) For the purposes of this section a woman named in an order having effect by virtue of section 6 of the Emergency Laws (Miscellaneous Provisions) Act 1953 (exemption of certain
45 women from Midwives Act 1951) shall, while the order is in force with respect to her, be deemed to be a certified midwife. 1953 c. 47.
1951 c. 53.

PART I

(5) Section 20 of the 1946 Act (submission to the Minister by local health authorities of proposals for carrying out their duties under sections 21 to 28 of that Act) shall have effect as if any reference to those duties included a reference to the duty of local health authorities under this section. 5

(6) This section shall have effect in place of section 23 of the 1946 Act and, so far as concerns arrangements for making the services of midwives available in hospitals, in place of section 29 of the Newcastle upon Tyne Corporation Act 1964, and accordingly— 10

(a) any arrangements made under the first-mentioned section by a local health authority which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (1) above, have effect as if so made, and the submission under section 20 of the 1946 Act of proposals for carrying out the duty of the local health authority under this section by means of those arrangements shall not be requisite ; 15

(b) any proposals submitted by a local health authority under the said section 20 for carrying out their duties under the said section 23 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made before that date under subsection (2) of the said section 20 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted ; 25 30

(c) any arrangements made under the said section 29 by the Corporation of Newcastle upon Tyne which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (3) above, have effect as if so made. 35

(7) This section shall have effect in Scotland in place of section 23 of the 1947 Act, as if—

(a) in subsection (1) and (3) thereof, for any reference to a Hospital Management Committee there were substituted a reference to a Regional Hospital Board, and any reference to a teaching hospital, or to the Board of Governors of any such hospital, were omitted ; 40

(b) in subsection (5) thereof, for the references to section 20 and sections 21 to 28 of the 1946 Act there were substituted references respectively to section 21 and sections 22 to 27 of the 1947 Act ; and 45

(c) subsections (4) and (6) thereof were omitted ;
and for transitional purposes the following provisions shall have effect:—

- 5 (i) any arrangements made under section 23 of the 1947 Act by a local health authority which are in force immediately before the coming into operation of this section shall, so far as they could be made under subsection (1) above, have effect as if so made, and the submission under section 21 of the 1947 Act of proposals for carrying out the duty of the local health authority under this section by means of those arrangements shall not be requisite ;
- 10 (ii) any proposals submitted by a local health authority under the said section 21 for carrying out their duties under the said section 23 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made before that date under subsection (2) of the said section 21 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice served or recommendation made in relation to proposals so submitted.
- 15
- 20

25 **11.**—(1) A local health authority may make provision in their area for the visiting by health visitors, for the purpose mentioned in section 24 of the 1946 Act (health visiting), of persons elsewhere than in their homes. Health visiting and district nursing.

(2) A local health authority may make provision in their area for securing the attendance of nurses on persons who require nursing elsewhere than in their own homes.

35 (3) The power under subsection (1) above of a local health authority may be exercised in like manner as that in which their duty under section 24 of the 1946 Act may be discharged, and the power under subsection (2) above of such an authority may be exercised in like manner as that in which their duty under section 25 of that Act may be discharged.

(4) This section shall have effect in Scotland as if, for the references therein to sections 24 and 25 of the 1946 Act, there were substituted references respectively to sections 24 and 25 of the 1947 Act.

45 **12.**—(1) Subject to the next following subsection, a local health authority may, with the approval of the Minister, and to such extent as he may direct shall, make arrangements for the purpose of the prevention of illness and for the care of persons suffering from illness and for the after-care of persons Prophylaxis, care and after-care.

PART I

who have been so suffering and in particular, but without prejudice to the generality of the foregoing provisions, for—

- (a) the provision, equipment and maintenance of residential accommodation for the care of persons with a view to preventing them from becoming ill, the care of persons suffering from illness and the after-care of persons who have been so suffering ; 5
- (b) the provision, for persons whose care is undertaken with a view to preventing them from becoming ill, persons suffering from illness and persons who have been so suffering, of centres or other facilities for training them or keeping them suitably occupied and the equipment and maintenance of such centres ; 10
- (c) the provision, for the benefit of such persons as are mentioned in the last foregoing paragraph, of ancillary or supplementary services ; and 15
- (d) as regards persons suffering from mental disorder within the meaning of the Mental Health Act 1959, the appointment of officers to act as mental welfare officers under that Act and, in the case of such persons so suffering as are received into guardianship under Part IV of that Act (whether the guardianship of the local health authority or of other persons), the exercise of the functions of the authority in respect of them. 20

1959 c. 72.

(2) Such an authority shall neither have the power nor be subject to a duty to make under this section arrangements for the provision of facilities for any of the purposes mentioned in section 15(1) of the Disabled Persons (Employment) Act 1944. 25

1944 c. 10.

(3) No arrangements under this section shall provide for the payment of money to persons for whose benefit they are made except— 30

- (a) in so far as they may provide for the remuneration of such persons engaged in suitable work in accordance with the arrangements ; or 35
- (b) to persons who are, or have been, suffering from mental disorder within the meaning of the Mental Health Act 1959, are under the age of sixteen years and are resident in accommodation provided under the arrangements, of such amounts as the local health authority think fit in respect of their occasional personal expenses where it appears to that authority that no such payment would otherwise be made. 40

(4) The Minister may make regulations as to the conduct of premises in which, in pursuance of arrangements made under this section, are provided for persons whose care is undertaken with a view to preventing them from becoming sufferers from such mental disorder as aforesaid or who are, or have been, suffering therefrom residential accommodation or facilities for training them or keeping them suitably occupied, and any such regulations may in particular confer on officers of the Minister authorised thereunder such powers of inspection as may be prescribed by the regulations.

(5) A local health authority may, with the approval of the Minister, recover from persons availing themselves of services provided in pursuance of arrangements made under this section such charges (if any) as the authority consider reasonable, having regard to the means of those persons.

(6) Section 20 of the 1946 Act shall have effect as if any reference to duties of local health authorities under sections 21 to 28 of that Act included a reference to the duty of local health authorities under this section.

(7) Subsections (1) to (3) of this section shall have effect in place of section 28(1) of the 1946 Act as extended by section 6 of the Mental Health Act 1959 and subsection (4) of this section shall have effect in place of section 7 of the said Act of 1959, and accordingly—

(a) any arrangements made under the said section 28 by a local health authority which are in force immediately before the coming into operation of this section shall,

(i) so far as they could be made under subsection (1) above, have effect as if so made ;

(ii) so far as they relate to any matters falling within section 3(1) of the Disabled Persons (Employment) Act 1958, have effect as if made under that section ;

(b) the submission under section 20 of the 1946 Act of proposals for carrying out the duty of the local health authority under this section by means of such arrangements which are so in force shall not be requisite ;

(c) any proposals submitted by a local health authority under the said section 20 for carrying out their duties under the said section 28 which are pending at the date of the coming into operation of this section, and any notice served or recommendation made under subsection (2) of the said section 20 in relation to those proposals shall be treated as if they were respectively proposals submitted for carrying out the duty of the local health authority under this section and a notice

PART I

served or recommendation made in relation to proposals so submitted ;

- (d) any regulations under the said section 7 which are in force at the coming into operation of this section, so far as they could be made under this section, shall have effect as if so made. 5

(8) This section does not apply to Scotland.

Domestic
help and
laundry
facilities.

1944 c. 31.

13.—(1) It shall be the duty of every local health authority to provide on such a scale as is adequate for the needs of their area, or to arrange for the provision on such a scale as is so adequate of, domestic help for households where such help is required owing to the presence of a person who is ill, lying-in, an expectant mother, aged or a child who has not attained the age which, for the purposes of the Education Act 1944 is, in his case, the upper limit of the compulsory school age, and every such authority shall have power to provide or arrange for the provision of laundry facilities for households for which domestic help is being, or can be, provided under this subsection. 15

(2) A local health authority may, with the approval of the Minister, recover from persons availing themselves of help or facilities provided under this section, such charges (if any) as the authority consider reasonable, having regard to the means of those persons. 20

(3) This section shall have effect in place of section 29 of the 1946 Act. 25

(4) This section shall have effect in Scotland in place of section 28 of the 1947 Act ; as if, in subsection (1) thereof, for the reference to the Education Act 1944 there were substituted a reference to the Education (Scotland) Act 1962 and the word "compulsory" were omitted ; and as if subsection (3) thereof were omitted. 30

1962 c. 47.

Provision of
advice &c.
for purposes
of family
planning in
Scotland.

14.—(1) Any local health authority may, with the approval of the Minister, and shall to such extent as the Minister may direct, make arrangements for the giving of advice on contraception, the medical examination of persons seeking advice on contraception for the purpose of determining what advice to give, and the supply of contraceptive substances or contraceptive appliances. 35

(2) A local health authority may, with the approval of the Minister, recover from persons to whom advice is given under this section, or to whom substances or appliances are supplied thereunder, or from such persons of any class or description such charges (if any) as the authority consider reasonable, having regard to the means of those persons. 40

(3) The 1947 Act shall have effect as if this section were included in Part III thereof; and section 21 of that Act (submission by local health authorities of proposals for carrying out their duties under sections 22 to 27 of that Act) shall have effect as if any references therein to those duties included a reference to the functions of local health authorities under this section.

(4) This section applies to Scotland only.

General medical, dental and ophthalmic Services and pharmaceutical Services

10 15.—(1) Schedule 1 to this Act shall be substituted for Schedule 5 to the 1946 Act. Constitution, &c., of Executive Councils in England and Wales.

(2) Sub-paragraph (c) of paragraph 1 of the said Schedule 1 shall not operate to disqualify a person who, at the coming into operation of this section, holds office as a member of an Executive Council and has the qualifications mentioned in that sub-paragraph from continuing to hold office for the residue of the term for which he was appointed.

20 (3) In relation to each such Council, the term of office of each of the members thereof appointed by virtue of paragraph 1(b) and (c) of the said Schedule 1 otherwise than in the place of a former member shall, notwithstanding anything in regulations made under paragraph 6 of that Schedule, be such as the Minister may determine.

25 (4) In relation to each such Council, the term of office of each of the members first appointed by virtue of paragraph 1(f) or (g) of the said Schedule 1 shall be such as the Minister may determine.

30 (5) In so far as any regulation, appointment or determination made under the said Schedule 5 could have been made under a corresponding provision of the Schedule substituted therefor by this section, it shall not be invalidated by the substitution, but shall have effect as if it had been made under that corresponding provision.

(6) This section does not apply to Scotland.

35 16.—(1) The services for the testing of sight and the supply of optical appliances which are provided in accordance with arrangements made under section 41 of the 1946 Act by Executive Councils shall, instead of being referred to in that Act as supplementary ophthalmic services, be so referred to as general ophthalmic services, and, accordingly, for the words “supplementary ophthalmic services” in that Act (wherever they occur) and in section 1(4) of the National Health Service Act 1951 there shall be substituted the words “general ophthalmic services”. Alteration of references to services provided in accordance with arrangements under section 41 of the 1946 Act. 1951 c. 31.

45 (2) This section does not apply to Scotland.

PART I

Provision of ophthalmic services by Executive Councils in England and Wales to be on permanent basis, and facilities for provision thereof to be available at health centres.

17.—(1) The power of the Minister under section 41(4) of the 1946 Act to direct that that section shall cease to apply to an area shall cease to be exercisable, and the functions under that section of Executive Councils shall cease to be exercised on their behalf by Ophthalmic Services Committees (which shall, accordingly, be dissolved). 5

(2) Section 43 of the 1946 Act (which enables the Minister to remedy inadequacies in services provided under arrangements in force under Part IV of that Act) shall have effect as if, after paragraph (c) of that section, there were inserted the following:— 10

“ or

(d) of persons undertaking to provide general ophthalmic services ; ”

and as if the word “ or ”, where occurring immediately before paragraph (c), were omitted. 15

(3) Section 21 of the 1946 Act (duty of local health authorities to provide, maintain and equip health centres at which facilities for various purposes shall be available) shall be amended as follows:—

(a) in subsection (1), after paragraph (c), there shall be inserted the following paragraph:— 20

“ (ca) for the provision of general ophthalmic services under Part IV of this Act by medical practitioners having the qualifications prescribed for the purposes of section forty-one of this Act, ophthalmic 25 opticians and dispensing opticians and, on such terms and conditions as may be determined by the Minister, for the provision, replacement or repair by such opticians, to such extent as may be so determined in the case of a particular health centre, of optical 30 appliances otherwise than as part of general ophthalmic services provided under the said Part IV ” ;

(b) in subsection (2), at the end of the proviso (which prohibits local health authorities from employing 35 medical or dental practitioners at health centres for the purpose of providing general medical services or general dental services under Part IV of the Act) there shall be added the words “ nor shall they employ medical practitioners at such centres for the purpose 40 of providing general ophthalmic services under the said Part IV ” ;

and in section 41(1) of that Act, after the word “ testing ” and after the word “ supply ”, there shall be inserted the words “ whether at a health centre or otherwise ”. 45

(4) This section does not apply to Scotland.

18.—(1) The services to be provided in accordance with PART I
the arrangements mentioned in section 42 of the 1947 Act General
shall, instead of being referred to in that Act as supplementary ophthalmic
ophthalmic services, be so referred to as general ophthalmic services in
5 services, and, accordingly, for the words “supplementary oph- Scotland.
thalmic services” in that Act (wherever they occur) and in
section 1(4) of the National Health Service Act 1951 there shall 1951 c. 31.
be substituted the words “general ophthalmic services”.

(2) Subsections (2) and (4) of the said section 42 shall cease
10 to have effect; and the said section shall have effect as if, after
subsection (1) thereof, there were inserted the following sub-
sections:—

“ (2) Provision shall be made by regulations for the
delegation by each Executive Council of such of their
15 functions under this section as may be prescribed to a
committee, constituted in the prescribed manner, for the
areas of that Council and of such other Executive Council
or Executive Councils as may be specified in the regula-
tions; and any committee constituted under this subsection
20 shall be known as a Joint Ophthalmic Services Committee.

(2A) Regulations constituting a Joint Ophthalmic Ser-
vices Committee under subsection (2) above may contain
such supplementary and incidental provisions as appear
to the Secretary of State to be necessary or expedient,
25 including provision for the payment of the expenses of the
Committee by the constituent Councils thereof; for the
application, with such modifications as may be prescribed,
to the Committee of any provision of this Act relating to
ophthalmic services; for any of the matters for which, in
30 relation to an Executive Council, provision is or may be
made by or under the supplementary provisions of the Sixth
Schedule to this Act; and for the transfer of officers and
their compensation by the Secretary of State, and the
transfer of property and liabilities”.

35 (3) Section 43 of the 1947 Act (disqualification of persons
providing services under Part IV) shall have effect as if any
reference therein to an Executive Council included a reference
to a Joint Ophthalmic Services Committee.

(4) Section 44 of the 1947 Act (powers of Secretary of State
40 where services under Part IV are inadequate) shall have effect
as if, after paragraph (c) of that section, there were inserted the
following:—

“ or

(d) of persons undertaking to provide general ophthalmic
45 services ”;

and as if the word “ or ”, where occurring immediately before
the said paragraph (c), were omitted.

PART I

(5) The power to make regulations under the said section 42 shall include power to make regulations providing for the dissolution of any joint committee for ophthalmic services constituted by order under subsection (4) of section 32 of the 1947 Act and (notwithstanding anything in section 73 of that Act, 5 which relates among other things to the revocation of orders) any such regulations may revoke any order made under that subsection and relating to ophthalmic services; and references in any order or regulations made under the National Health Service (Scotland) Acts 1947 to 1967 to a Joint Ophthalmic 10 Services Committee constituted by virtue of the said section 32(4) shall (except in provisions relating to the constitution or dissolution of such a committee) be construed as including references to a Joint Ophthalmic Services Committee constituted by virtue of subsection (2) of the said section 42 as amended 15 by this section.

(6) References in the National Health Service (Scotland) Acts 1947 to 1967, and in any order or regulations made thereunder, to Ophthalmic Services Committees constituted by virtue of subsection (2) of the said section 42 as originally enacted shall be 20 construed as references to Joint Ophthalmic Services Committees constituted by virtue of subsection (2) of the said section 42 as amended by this section.

(7) Section 15 of the 1947 Act (health centres) shall have effect as if in subsection (1) thereof, after paragraph (c), there 25 were inserted the following paragraph:—

“(ca) the provision of general ophthalmic services under Part IV of this Act by medical practitioners having the qualifications prescribed for the purposes of section 42 of this Act, ophthalmic opticians and dispensing 30 opticians and, on such terms and conditions as may be determined by the Secretary of State, the provision, replacement or repair by such opticians, to such extent as may be so determined in the case of a particular health centre, of optical appliances otherwise than as 35 part of general ophthalmic services provided under the said Part IV”;

and in section 42(1) of that Act, after the word “testing” and after the word “supply”, there shall be inserted the words “whether at a health centre or otherwise”. 40

(8) This section applies to Scotland only.

19.—(1) For the definitions, in section 79(1) of the 1946 Act, of “dispensing optician” and “ophthalmic optician”, there shall be substituted respectively the following definitions:—

“‘dispensing optician’ means a person who is registered 45 in the register kept under section 2 of the Opticians Act 1958 of dispensing opticians or a body corporate

Redefinition of “dispensing optician” and “ophthalmic optician” for purposes of the 1946 and 1947 Acts. 1958 c. 32.

enrolled in the list kept under section 4 of that Act of such bodies carrying on business as dispensing opticians ;

5 ' ophthalmic optician ' means a person registered in either of the registers kept under section 2 of the Opticians Act 1958 of ophthalmic opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as ophthalmic opticians ”.

10 (2) This section shall have effect in Scotland as if, for the reference therein to section 79(1) of the 1946 Act, there were substituted a reference to section 80(1) of the 1947 Act.

20 20.—(1) At the end of paragraph (b) subsection (1) of section 21 of the 1946 Act (which includes amongst the purposes for which facilities can be made available at health centres the provision of general dental services under Part IV of the Act by dental practitioners), there shall be added the words “ and, on such terms and conditions as may be determined by the Minister, for the provision by dental practitioners, otherwise than as part of general dental services provided under the said Part IV, of such (if any) dental treatment and appliances as may be so determined in the case of a particular health centre ”.

25 (2) At the end of paragraph (c) of the said subsection (1) (which includes amongst the purposes for which facilities can be made available at health centres the provision of pharmaceutical services under Part IV by registered pharmacists), there shall be added the words “ and, on such terms and conditions as may be determined by the Minister, for the provision by registered pharmacists, otherwise than as part of pharmaceutical services provided under the said Part IV, of such (if any) drugs, medicines and appliances and articles (other than as aforesaid) ordinarily supplied by pharmacists as may be so determined in the case of a particular health centre ”.

35 (3) The foregoing provisions of this section do not apply to Scotland, but section 15(6) of the 1947 Act shall have effect as if the references therein to medical practitioners, general medical services under Part IV of that Act and other personal medical services included—

40 (a) references respectively to dental practitioners, general dental services under the said Part IV and other personal dental services ; and

(b) references respectively to registered pharmacists, pharmaceutical services under the said Part IV and other personal pharmaceutical services.

PART I

Use of health centres in England and Wales by practitioners.

21.—(1) For section 46 (use of health centres by practitioners) of the 1946 Act there shall be substituted the following section:—

“ 46. Where a health centre provides facilities for all or any of the purposes specified in paragraphs (a), (b), (c) and (ca) of subsection (1) of section twenty-one of this Act, it shall, subject to regulations and to any determination under that subsection by the Minister, be made available for the purposes in the case of which the facilities are provided on such terms as may be agreed between the Executive Council and the local health authority providing the centre or, in default of agreement, as may be determined by the Minister; and the Executive Council may, subject to any such determination as aforesaid, make such charges for the use of the centre by the persons who use it for the last-mentioned purposes as the Council think sufficient for the purpose of defraying the payments made by them to the local health authority, and may recover those charges from those persons ”.

(2) This section does not apply to Scotland.

What drugs are to be made available to recipients of general dental services.

22.—(1) Section 38 of the 1946 Act (which requires every Executive Council to make as respects their area arrangements for the supply, amongst other things, of prescribed drugs and medicines to all persons in the area who are receiving general dental services) shall have effect with the substitution, for references to such drugs and medicines, of references to such drugs and medicines as are included in a list for the time being approved for the purposes of that section by the Minister.

(2) This section shall have effect in Scotland as if, for the reference therein to section 38 of the 1946 Act, there were substituted a reference to section 40 of the 1947 Act.

Power of Executive Councils to supply goods and materials to persons providing certain services.

23.—(1) Arrangements made by an Executive Council as respects their area under any of the following provisions of the 1946 Act, namely, section 33 (general medical services), 38 (pharmaceutical services), 40 (general dental services) and 41 (general ophthalmic services) may include provision for the supply by the Council, with the consent of the Minister and on such terms as he and the Treasury may approve, to medical practitioners providing general medical services in the area, persons providing pharmaceutical services therein, dental practitioners providing general dental services therein and persons providing general ophthalmic services therein, as the case may be, of any such goods or materials as it appears to the Minister are necessary or expedient for a person providing any such service as aforesaid to have for the purpose of providing that service.

(2) This section shall have effect in Scotland as if for the references to sections 33, 38, 40 and 41 of the 1946 Act there were substituted respectively references to sections 34, 40, 39 and 42 of the 1947 Act.

5 24.—(1) For the purpose of deciding whether or not to issue a direction under section 42(5) or (8) of the 1946 Act that a person shall not be disqualified for inclusion in a list prepared under Part IV of that Act, the Tribunal constituted in accordance with Schedule 7 to that Act or the Minister, as the case may be, may
10 hold an inquiry, and paragraph (a) of subsection (7) of that section (which specifies matters with respect to which regulations may be made under that subsection) shall have effect as if—

(a) references to that section included references to this section ;

15 (b) the first two references to the Tribunal included references to the Minister ; and

(c) for the reference to the case of an appeal, there were substituted a reference to the case of an inquiry by, or appeal to, the Minister.

20 (2) This section shall have effect in Scotland as if, for the references therein to any provision of section 42 and Part IV of, and Schedule 7 to, the 1946 Act, there were substituted references respectively to the corresponding provision of section 43 and Part IV of, and Schedule 8 to, the 1947 Act.

25 25.—(1) The Minister may, either directly or by entering into arrangements with others,—

(a) provide for persons providing, or (being medical practitioners, dental practitioners, registered pharmaceutical chemists or registered opticians) having it in contemplation to provide, relevant services such instruction as
30 appears to him conducive to the efficient provision by them of such services ;

(b) provide material necessary for, or in connection with, the provision of such instruction as aforesaid ;

35 and may, with the approval of the Treasury, make payments towards the cost of the provision by others of such instruction and material as aforesaid and the expenses of persons availing themselves of such instruction.

(2) In this section—

40 (a) “registered optician” means a person registered in any of the registers maintained under section 2 of the Opticians Act 1958 ;

Inquiries in connection with removals of disqualifications of practitioners and others.

Provision of instruction for persons providing, or contemplating the provision of, services under Part IV of the 1946 Act or corresponding Scottish or Northern Irish provisions.

PART I

1852 c. 56.

1954 c. 61.

(b) “registered pharmaceutical chemist” means a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852 and maintained in pursuance of section 2(1) of the Pharmacy Act 1954 or a person registered in the register of pharmaceutical chemists in pursuance of the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1955 ;

1948 c. 3 (N.I.).

(c) “relevant services” means any services under Part IV of the 1946 Act, Part IV of the 1947 Act or Part II of the Health Services Act (Northern Ireland) 1948.

(3) Any reference in this section to an enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and as including a reference to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

(4) This section shall have effect in place of section 48 of the 1946 Act and section 48 of the 1947 Act, and accordingly those sections shall cease to have effect.

Finance, &c.

Approval of expenditure of Hospital Management Committees Boards of Management and Medical Education Committees by Regional Hospital Boards instead of by the Minister.

26.—(1) For the condition specified in subsection (2) of section 54 of the 1946 Act on satisfaction of which expenditure of a Hospital Management Committee is to be defrayed by the Regional Hospital Board for the area in which the hospital or group of hospitals in question is situated, namely, that the expenditure must be expenditure approved by the Minister in manner prescribed by regulations made by the Minister under the 1946 Act, there shall be substituted the condition that the expenditure must be approved, in such manner, by that Board ; and, accordingly, for the said subsection (2) there shall be substituted the following subsection :—

“(2) All expenditure of a Hospital Management Committee approved, in the prescribed manner, by the Regional Hospital Board for the area in which the hospital or group of hospitals in question is situated shall be defrayed by that Board ”.

(2) For the condition specified in subsection (2) of section 54 of the 1947 Act on satisfaction of which expenditure of a Board of Management of a hospital or group of hospitals situated in any area, or of the Medical Education Committee for any area, is to be defrayed by the Regional Hospital Board for that area, namely that the expenditure must be approved by the Minister

in the manner prescribed by regulations made by the Minister under the 1947 Act, there shall be substituted the condition that the expenditure must be approved, in such manner, by that Regional Hospital Board; and, accordingly, for the said subsection (2) there shall be substituted the following subsection:—

“(2) All expenditure of the Board of Management of a hospital or group of hospitals situated in any area, or of the Medical Education Committee for any area, approved in the prescribed manner by the Regional Hospital Board for that area shall be defrayed by that Regional Hospital Board”.

27.—(1) Subsections (2) and (3) of section 55 of the 1946 Act (which relate to the accounts of Regional Hospital Boards, Boards of Governors of teaching hospitals, Hospital Management Committees and Executive Councils) shall have effect in relation to the Dental Estimates Board as they have effect in relation to a Regional Hospital Board, and the Minister shall prepare in respect of each financial year, in such form and containing such information as the Treasury may direct, a statement of the accounts of the Dental Estimates Board, and shall transmit it on or before the 30th day of November in each year to the Comptroller and Auditor-General who shall examine and certify it and lay copies of it together with his report thereon before both Houses of Parliament.

(2) The Minister may by regulations make provision generally with respect to the audit under the said subsection (2) of accounts of bodies to which that subsection applies, and in particular for conferring on the auditor of any of those accounts, such rights of access to, and production of, books, accounts, vouchers or other documents as may be specified in the regulations, and such right, in such conditions as may be so specified, to require from any member or officer, or former member or officer, of any such body, such information relating to the affairs of the body as the Minister may think necessary for the proper performance of the duty of the auditor under that section.

(3) The form of accounts to be kept by any such body under the said section 55(2) and of the annual accounts to be prepared and transmitted to the Minister under the said section 55(3) shall, instead of being such as the Minister may with the approval of the Treasury prescribe, be such as he may, with such approval, direct; and accordingly in the said sections 55(2) and 55(3), for the word “prescribe” in each place where it occurs, there shall be substituted the word “direct”.

PART I

(4) This section shall have effect in Scotland as if, for subsection (1) thereof, there were substituted the following subsection:—

“(1) Subsections (2) and (3) of section 55 of the 1947 Act (which relate to the accounts of Regional Hospital Boards, Boards of Management and Executive Councils) shall have effect in relation to the Scottish Dental Estimates Board as they have effect in relation to any such Regional Hospital Board, Board of Management or Council; and the Minister shall prepare in respect of each financial year, in such form and containing such information as the Treasury may direct, a statement of the accounts of the Scottish Dental Estimates Board, and shall transmit it on or before the 30th day of November in each year to the Comptroller and Auditor-General who shall examine and certify it and lay copies of it together with his report thereon before both Houses of Parliament”.

Regulation of financial arrangements of hospital authorities and other bodies.

28.—(1) The Minister may by regulations provide, in the case of all or any of the following bodies that is to say, Regional Hospital Boards, Boards of Governors of teaching hospitals, Hospital Management Committees, Executive Councils, joint committees established for the areas of two or more such Councils under section 31(4) of the 1946 Act, and the Dental Estimates Board, for restricting the making of payments by or on behalf of the body otherwise than on such authorisation and subject to such conditions as may be specified in the regulations, but such provision may be made subject to such exceptions as may be so specified; and those regulations may contain such other provisions as to the making and carrying out by all or any of those bodies of such arrangements with respect to financial matters as the Minister thinks necessary for the purpose of securing that the affairs of such bodies are conducted, so far as reasonably practicable, in such manner as to prevent financial loss and to ensure and maintain efficiency.

(2) Without prejudice to the operation of the provisions of any such regulations, the Minister may give to any of the said bodies such directions (which may be specific in character) as to any matter with respect to which regulations may be made under the foregoing subsection as it appears to him is requisite for the purpose of securing that the affairs of the body are conducted, so far as reasonably practicable, in such manner as is mentioned in the foregoing subsection, and a body to whom any such directions are given shall comply therewith.

(3) This section shall have effect in Scotland as if—

(a) any reference to Boards of Governors of teaching hospitals were omitted;

- (b) for any reference to a Hospital Management Committee there were substituted a reference to a Board of Management ;
- (c) for any reference to the Dental Estimates Board there were substituted a reference to the Scottish Dental Estimates Board ;
- (d) for any reference to section 31(4) of the 1946 Act there were substituted a reference to section 32(4) of the 1947 Act.

Miscellaneous Provisions

29. The Minister may allow persons to make use (on such terms, including terms as to the payment of charges, as he thinks fit) of any services the provision of which is involved in the provision of hospital and specialist services ; and he may, in the case of services the provision of which is so involved, provide them to an extent greater than that necessitated by the provision of hospital and specialist services if he thinks it expedient so to do in order to allow persons to make use of them.

30.—(1) The Minister may sell or give away, or otherwise dispose of, goods the production or manufacture whereof by him is involved in the provision of hospital and specialist services ; and he may produce or manufacture such goods to an extent greater than that necessitated by the provision of such services in order that they may be supplied to persons other than those to whom they are supplied by way of the provision of such services (whether or not the first-mentioned persons are engaged in the provision of other services provided by virtue of the 1946 Act).

(2) This section shall have effect in Scotland as if, for the reference therein to the 1946 Act, there were substituted a reference to the 1947 Act.

31.—(1) The Minister may provide invalid carriages for persons appearing to him to be suffering from severe physical defect or disability and, at the request of such a person, may provide for him a vehicle other than an invalid carriage.

(2) The Minister shall have power, in the case of an invalid carriage or other vehicle provided by him for or belonging to any such person as is mentioned in the foregoing subsection, on such terms and subject to such conditions as he may determine,—

- (a) to adapt the vehicle for the purpose of making it suitable for the circumstances of that person ;

PART I

1962 c. 13.

(b) to maintain and repair the vehicle ;

(c) to take out insurance policies relating to the vehicle and pay the duty, if any, with which the vehicle is chargeable under the Vehicles (Excise) Act 1962 ;

(d) to provide a structure for the keeping of the vehicle therein and provide all material and execute all works necessary for the erection of the structure.

(3) *The Minister may, on such terms and subject to such conditions as he may determine, make payments by way of grant towards costs incurred by any such person as is mentioned in subsection (1) above in respect of all or any of the following matters in relation to an invalid carriage or other vehicle provided by the Minister for or belonging to that person, that is to say, the taking of any such action as is referred to in subsection (2) above, the purchase of fuel for the purposes of the vehicle, so far as the cost of the purchase is attributable to duties of excise payable in respect of the fuel, and the taking of instruction in the driving of the vehicle.*

(4) Section 3(2) of the 1946 Act (making and recovering of charges in respect of the supply, as part of hospital and specialist services, of certain appliances and, in certain circumstances, in respect of replacement or repair of appliances supplied as part of such services) shall have effect as if any reference to an appliance included a reference to a vehicle and, in relation to a vehicle, any reference to replacement or repair were a reference to replacement thereof or the taking of any such action in relation thereto as is mentioned in subsection (2) above.

(5) Regulations made by the Minister may provide for any incidental or supplementary matter for which it appears to the Minister necessary or expedient to make provision in connection with the taking of any action under subsection (2) above or the making of any payment under subsection (3) above.

(6) The provision of vehicles as mentioned in this section and the taking of any such action as is mentioned in subsection (2) above shall, for the purposes of the 1946 Act, be treated as having been included from 5th July 1948 among hospital and specialist services provided under Part II of that Act.

(7) In this section "invalid carriage" means a mechanically propelled vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and used solely by such a person.

(8) This section shall have effect in Scotland as if, for references therein to the 1946 Act, or any Part or provision thereof, there were substituted respectively references to the 1947 Act and the corresponding Part or provision of that Act.

5 32.—(1) Section 18 of the 1949 Act (which enables officers of a hospital to which the section applies to be admitted to participate in superannuation benefits provided under section 67(1) of the 1946 Act in like manner as officers of Regional Hospital Boards) shall be extended so that the hospitals to which the section applies shall include a hospital (not vested in the Minister) which is used, in pursuance of arrangements made by the governing body of the hospital with the Board of Governors of a teaching hospital, for the provision of hospital and specialist services; and, accordingly, in subsection (4) of the said section 18, after the words “Regional Hospital Board”, there shall be inserted the words “or the Board of Governors of a teaching hospital”.

Superannuation of officers of hospitals outside national health service used for providing hospital and specialist services by agreement with Boards of Governors.

(2) This section does not apply to Scotland.

33.—(1) *The Minister may make regulations for the payment by him, but subject to such exceptions or conditions as may be prescribed by the regulations, of compensation to, or in respect of, persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to—*

Compensation for loss of employment, &c., attributable to re-organisation of provision of hospital services, &c.

(a) *the occurrence, after the coming into operation of this section, of any of the events mentioned in paragraphs (a) to (c) of section 11 (9) of the 1946 Act; or*

(b) *the making, after coming into operation of this section, of an order under subsection (2), (3) or (4) of section 31 of that Act, or an order revoking an order made under any of those subsections.*

(2) Different regulations may be made under this section in relation to different classes of persons and different circumstances, and any such regulations may be so framed as to have effect as from a date earlier than the making thereof, so however that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person (other than the Minister) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date of the making thereof.

PART I

(3) Regulations made under this section may include provision as to the manner in which and the person to whom any claim for compensation is to be made and for the determination of all questions arising under the regulations.

(4) This section shall have effect in Scotland as if, in paragraph (a) of subsection (1) thereof, for the reference to paragraphs (a) to (c) of section 11(9) of the 1946 Act there were substituted a reference to paragraphs (a) and (b) of section 11(10) of the 1947 Act, and as if, in paragraph (b) of that subsection, for the reference to section 31 of the 1946 Act there were substituted a reference to section 32 of the 1947 Act.

Payment of allowances and remuneration to members of certain bodies established by or under the 1946 Act and members of certain other bodies in England and Wales.

34.—(1) *The Minister may pay—*

(a) to members of any of the following bodies constituted under the 1946 Act, that is to say—

(i) the Central Health Services Council, any standing advisory committee constituted under section 2 of that Act to advise the Minister and that Council, any committee appointed by that Council under paragraph 4 of Schedule 1 to that Act and any sub-committee appointed by any such standing advisory committee under the said paragraph 4 ;

(ii) a Regional Hospital Board, Hospital Management Committee, Board of Governor of a teaching hospital and any committee appointed under paragraph 2(b) of Part IV of Schedule 3 to that Act to whom are delegated functions of any of those bodies ;

(iii) an Executive Council, any joint committee established for the area of two or more such Councils under section 31(4) of that Act, the Dental Estimates Board, and any committee appointed by virtue of paragraph 3(b) of Schedule 5 to that Act or paragraph 6(b) of Schedule 1 to this Act to whom are delegated functions of such a Council or joint committee or that Board ;

(iv) the Medical Practices Committee and the Tribunal constituted under section 42 of that Act ;

(b) to members of a body not so constituted being a body specified in an order made by the Minister as being a body recognised by him to have been formed for the purpose of performing a function connected with the provision of services under the 1946 Act ;

such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Treasury, from time to time determine.

(2) *The Minister may pay to members of any of the following bodies, that is to say, the Dental Estimates Board, the Medical Practices Committee, the said Tribunal, and any other body constituted under or by virtue of Part IV of the 1946 Act, being*
5 *a body specified in an order made for the purposes of this subsection, with the approval of the Treasury, by the Minister, such remuneration as he may, with such approval from time to time determine.*

(3) Allowances shall not be paid under subsection (1) above
10 except in connection with the exercise or performance of such powers or duties, in such circumstances, as may, with the approval of the Treasury, be determined by the Minister.

(4) Any payments made under this section shall be made
15 at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Minister may, with the approval of the Treasury, determine.

(5) This section does not apply to Scotland.

35.—(1) *The Minister may pay—*

(a) *to members of any of the following bodies constituted*
20 *under the 1947 Act, that is to say—*

(i) *the Scottish Health Services Council, any standing advisory committee constituted under section 2 of that Act to advise the Minister and that Council, any committee appointed by that Council*
25 *under paragraph 4 of Schedule 1 to that Act and any sub-committee appointed by any such standing advisory committee under the said paragraph 4 ;*

(ii) *a Regional Hospital Board, a Board of Management and any committee appointed under paragraph 2(b) of Part IV of Schedule 4 to that Act to*
30 *whom are delegated functions of any of those bodies ;*

(iii) *an Executive Council, any joint committee established for the area of two or more such Councils under section 32(4) of that Act, the Scottish*
35 *Dental Estimates Board, and any committee appointed by virtue of paragraph 4(b) of Schedule 6 to that Act to whom are delegated the functions of such a Council or joint committee or that Board ;*

(iv) *the Scottish Medical Practices Committee and the Tribunal constituted under section 43 of that*
40 *Act ;*

(b) *to members of a body not so constituted, being a body specified in an order made by the Minister as being a*
body recognised by him to have been formed for the

Payment of allowances and remuneration to members of certain bodies established by or under the 1947 Act and members of certain other bodies in Scotland.

PART I

purpose of performing a function connected with the provision of services under the 1947 Act ;

such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Treasury, from time to time determine.

(2) *The Minister may pay to members of any of the following bodies, that is to say, the Scottish Dental Estimates Board, the Scottish Medical Practices Committee, the said Tribunal, and any other body constituted under or by virtue of Part IV of the 1947 Act, being a body specified in an order made for the purposes of this subsection, with the approval of the Treasury, by the Minister such remuneration as he may, with such approval, from time to time determine.*

(3) Allowances shall not be paid under subsection (1) above except in connection with the performance of such powers or duties, in such circumstances, as may, with the approval of the Treasury, be determined by the Minister.

(4) Any payments made under this section shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Minister may, with the approval of the Treasury, determine.

(5) This section applies to Scotland only.

Power to confer right of appeal from determination of committee as to medical practitioner's qualifications

36.—(1) The power conferred by section 41 of the 1946 Act to prescribe the qualifications to be possessed by a medical practitioner shall include power to confer on a person who is dissatisfied with the determination of a committee to whom, in pursuance of regulations made in exercise of the power so conferred, he is required to show that he possesses qualifications, a right of appeal to a committee appointed by the Minister, and to make provision for any matter for which it appears to the Minister to be requisite or expedient to make provision in consequence of the conferring of that right.

(2) Section 21(1) of the 1949 Act (removal of doubts as to powers to prescribe qualifications of medical practitioners) shall have effect with the omission of the words “or to the satisfaction of the Minister acting on the advice of such a committee”.

(3) This section shall have effect in Scotland as if, in subsection (1) thereof, for the reference to section 41 of the 1946 Act there were substituted a reference to section 42 of the 1947 Act; and as if, in subsection (2) thereof, for the words “the Minister” there were substituted the words “the Secretary of State”.

37.—(1) Paragraph (b) of section 3(2) of the 1946 Act (which includes amongst the matters in respect of which charges may be imposed by regulations of the Minister, the replacement or repair of an appliance supplied as part of the hospital and specialist services if it is determined in manner prescribed by the regulations that the replacement or repair is necessitated by lack of care on the part of the person supplied) shall be amended by the substitution, for the words “lack of care on the part of the person supplied”, of the words “an act or omission of the person supplied or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred.”, and paragraph (b) of section 44(1) of that Act (which makes similar provision with respect to dental appliances supplied as part of general dental services and optical appliances supplied as part of general ophthalmic services) shall be similarly amended.

PART I
Power to
recover cost
of replacing
appliances
where the
replacement
is necessitated
by lack of
care.

(2) This section shall have effect in Scotland as if, for the references therein to section 3(2) and section 44(1) of the 1946 Act, there were substituted references respectively to section 3(3) and section 45(1) of the 1947 Act.

38.—(1) Where the carrying out of a scheme for the provision by the Minister in pursuance of the 1946 Act or Part VII of the Mental Health Act 1959 of hospital accommodation or other facilities will involve the displacement from any premises of persons residing therein, the Minister may make arrangements with one or more of the following bodies, that is to say, an authority who are a local authority for the purposes of the Housing Act 1957, a housing association within the meaning of that Act, a housing trust within the meaning of that Act, a development corporation established under the New Towns Act 1965 and the Commission for the New Towns, for securing, in so far as it appears to him that there is no other residential accommodation suitable for the reasonable requirements of those persons available on reasonable terms, the provision of residential accommodation in advance of the displacements from time to time becoming necessary as the carrying out of the scheme proceeds.

Accommoda-
tion for
persons
displaced in
course of
development
for purposes
of the Acts
relating to the
national health
service or to
mental health.
1959 c. 72.
1957 c. 56.
1965 c. 59.

(2) *Arrangements made under the foregoing subsection may include provision for the making by the Minister to the body with whom the arrangements are made of payments of such amounts and for such purposes as may be approved by the Treasury.*

(3) This section shall have effect in Scotland as if, in subsection (1) thereof, for the references to the 1946 Act, Part VII of the Mental Health Act 1959, the Housing Act 1957 and the New Towns Act 1965 there were substituted references

PART I

1965 c. 59.
1960 c. 61.
1966 c. 49.
1946 c. 68.

respectively to the 1947 Act, Part VII of the Mental Health (Scotland) Act 1960, the Housing (Scotland) Act 1966 and the New Towns Act 1946; as if the reference in that subsection to a housing association within the meaning of the said Act of 1966 included a reference to the Scottish Special Housing Association; and as if, in that subsection, the reference to the Commission for the New Towns were omitted. 5

Provision of
practice
accommoda-
tion in
Scotland.

39.—(1) The power conferred on Executive Councils by section 64(2) of the 1947 Act to provide, if authorised by the Minister in certain circumstances, residential accommodation for medical practitioners providing services under Part IV of that Act shall include power to provide, if so authorised in like circumstances, practice accommodation for— 10

(a) medical practitioners providing such services as aforesaid, and 15

(b) persons providing such other services under the National Health (Scotland) Acts 1947 to 1967 or under this Part of this Act as may be so authorised either generally or in special cases.

(2) In this section “practice accommodation” in relation to a person providing services of any kind means accommodation suitable for the provision of services of that kind. 20

(3) This section applies to Scotland only.

Orders and
regulations.

40.—(1) Any power conferred by this Part of this Act to make an order or regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. 25

(2) Any power conferred by this Part of this Act to make regulations shall, if the Treasury so direct, not be exercisable except in conjunction with the Treasury. 30

(3) Any power conferred by this Part of this Act to make an order shall include power exercisable in like manner to vary or revoke an order.

Interpretation
of Part I, and
application of
provisions of
the 1946 and
1947 Acts.

1946 c. 81.
1947 c. 27.
1949 c. 93.

41.—(1) In this Part of this Act, “the 1946 Act” means the National Health Service Act 1946 as amended by any subsequent enactment, “the 1947 Act” means the National Health Service (Scotland) Act 1947 as amended by any subsequent enactment and “the 1949 Act” means the National Health Service (Amendment) Act 1949. 35

(2) In this Part of this Act, in its application to England and Wales, the expression “the Minister” means the Minister of Health, and any other expression to which a meaning is 40

assigned by the 1946 Act for the purposes of that Act has that meaning also for the purposes of this Part of this Act in its application to England and Wales.

PART I

(3) In this Part of this Act, in its application to Scotland, the expression “the Minister” means the Secretary of State, and any other expression to which a meaning is assigned by the 1947 Act for the purposes of that Act has that meaning also for the purposes of this Part of this Act in its application to Scotland.

(4) In the provisions of the 1946 Act specified in Part I of Schedule 2 to this Act references to that Act shall include references to this Part of this Act in its application to England and Wales and in section 65 (residential accommodation for staff) of that Act the reference to Part III thereof shall include a reference to this Part of this Act in its application as aforesaid; and in the provisions of the 1947 Act specified in Part II of that Schedule the references to that Act shall include references to this Part of this Act in its application to Scotland, and in section 64 (residential accommodation for staff) of that Act, the reference to Part III thereof shall include a reference to this Part of this Act in such last mentioned application thereof.

PART II

AMENDMENTS CONNECTED WITH LOCAL AUTHORITIES’ SERVICES UNDER THE NATIONAL ASSISTANCE ACT, 1948

42.—(1) For subsection (1) of section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), there shall be substituted the following subsections:—

“ (1) Notwithstanding anything in the foregoing provisions of this Part of this Act, but subject to the next following subsection, a scheme under section twenty-one thereof may provide that a local authority—

(a) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (a) of subsection (1) of the said section twenty-one, arrangements—

(i) with a voluntary organisation managing any premises, for the provision in those premises of accommodation of that kind;

(ii) with a person registered under section thirty-seven of this Act in respect of a disabled persons’ or old persons’ home, for the provision in that home of accommodation of that kind; and

Extension of power, under the National Assistance Act 1948, of local authority to provide accommodation elsewhere than in premises managed by them or another such authority.
1948 c. 29.

PART II

(b) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (b) of the said subsection (1), arrangements with a voluntary organisation managing any premises for the provision in those premises of accommodation of that kind. 5

(1A) No arrangements shall be made by virtue of paragraph (a) of the foregoing subsection by a local authority with a person who has been convicted of an offence against regulations under section forty of this Act". 10

(2) In subsection (2) of the said section 26 (which requires arrangements under subsection (1) of that section to provide for the making by the local authority of payments to the voluntary organisation with which they are made) for the words "the organisation" there shall be substituted the words "the other party thereto". 15

Promotion,
by local
authorities, of
the welfare of
old people.

43.—(1) A local authority may with the approval of the Minister of Health, and to such extent as he may direct shall, make arrangements for promoting the welfare of old people. 20

(2) A local authority may recover from persons availing themselves of any service provided in pursuance of arrangements made under this section such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case. 25

(3) A local authority may employ as their agent for the purposes of this section any voluntary organisation having for its sole or principal object, or among its principal objects, the promotion of the welfare of old people. 30

(4) No arrangements under this section shall provide—

(a) for the payment of money to old people except in so far as the arrangements may provide for the remuneration of old people engaged in suitable work in accordance with the arrangements; 35

(b) for making available any accommodation or services required to be provided under the National Health Service Act 1946 or Part I of this Act.

1946 c. 81.

1948 c. 29.

(5) The National Assistance Act 1948 shall have effect as if the following references included a reference to this section, that is to say,— 40

(a) the reference, in section 32, to section 29 of that Act;

(b) the references, in sections 35, 36, 45, 52 and 58 and Parts I and II of Schedule 3 (except in the first place in paragraph 1(1)), to Part III of that Act ;

(c) the references, in sections 54, 56 and 59, to that Act.

5 (6) Subject to the next following subsection, all matters relating to the discharge of the functions of a local authority under this section shall stand referred to the committee established by that authority in pursuance of paragraph 1 of Schedule 3 to the said Act of 1948.

10 (7) A direction given, before the coming into operation of this section, by the Minister of Health under paragraph 7(1) of the said Schedule 3 that matters relating to, or including matters relating to, the discharge of functions of an authority under section 29 of the said Act of 1948 shall, instead of being referred
15 to the committee established as aforesaid, stand referred to some other committee, shall have effect as if it extended to all matters relating to the discharge of their functions under this section.

(8) Subsection (1) of section 46 of the Local Government Act 1958 c. 55. 1958 shall have effect as if the functions of councils of counties
20 which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.

(9) The Health Visiting and Social Work (Training) Act 1962 c. 33. 1962 shall have effect in relation to functions of local authorities under this section as it does in relation to functions of
25 local authorities under Part III of the National Assistance Act 1948.

(10) Section 31(1) of the National Assistance Act 1948 (which 1948 c. 29. empowers local authorities to make arrangements for the provision of meals and recreation for old people) shall cease to
30 have effect except as respects the councils of county districts.

(11) In this section "local authority" (except where used in the expression "public or local authority") means the council of a county, county borough or London borough or the Common
35 Council of the City of London, and "voluntary organisation" means a body the activities of which are carried on otherwise than for profit but does not include any public or local authority.

(12) This section shall have effect in Scotland as if, for any reference therein to the Minister of Health, there were substituted a reference to the Secretary of State ; as if for the reference in subsection (4)(b) thereof to the National Health
40 Service Act 1946 there were substituted a reference to the National Health Service (Scotland) Act 1947 ; as if in subsection 1946 c. 81. 1947 c. 27. (10) thereof for the reference to councils of county districts

PART II

there were substituted a reference to the town councils of small burghs and district councils ; and as if for subsection (11) thereof there were substituted the following subsection—

1947 c. 43.

“(11) In this section “local authority” (except where used in the expression “public or local authority”) in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council ; “small burgh” and “large burgh” have the same meanings as in the Local Government (Scotland) Act 1947 ; and “voluntary organisation” means a body the activities of which are carried on otherwise than for profit but does not include any public or local authority.

Application
to Isles of
Scilly.

1948 c. 29.

44. Section 66 of the National Assistance Act 1948 (application to the Isles of Scilly) shall have effect as if the reference to that Act included a reference to this Part of this Act.

PART III**NOTIFIABLE DISEASES AND FOOD POISONING**

Redefinition
of “notifiable
disease”.

1936 c. 49.

45. In section 343(1) of the Public Health Act 1936, for the definition of “notifiable disease” there shall be substituted the following definition:—

““notifiable disease” means any of the following diseases, namely, cholera, plague, relapsing fever, smallpox and typhus”.

Cases of
notifiable
disease
and food
poisoning to
be reported
to local
authority.

46.—(1) If a duly qualified medical practitioner becomes aware, or suspects, that a patient whom he is attending within the district of a local authority is suffering from a notifiable disease or from food poisoning, he shall unless he believes, and has reasonable grounds for believing, that some other such practitioner has complied with this subsection with respect to the patient, forthwith send to the medical officer of health of that district a certificate stating—

- (a) the name, age and sex of the patient and the address of the premises where the patient is ;
- (b) the disease or, as the case may be, particulars of the poisoning from which the patient is, or is suspected to be, suffering and the date, or approximate date, of its onset ; and
- (c) if the premises aforesaid are a hospital, the day on which the patient was admitted thereto, the address of the premises from whence he came there and whether or not, in the opinion of the person giving

the certificate, the disease or poisoning from which the patient is, or is suspected to be, suffering was contracted in the hospital.

(2) Where the local authority within whose district are situate premises whose address is, by virtue of paragraph (a) of the foregoing subsection, specified in a certificate sent under that subsection are not a local health authority, the medical officer of health who receives the certificate shall, on the day of its receipt (if possible) and in any case within forty-eight hours after its receipt, send a copy thereof—

(a) to the local health authority within whose area those premises are situate; and

(b) if the certificate is given with respect to a patient in hospital who came there from premises outside the district of the local authority within whose district the hospital is situate, and the certificate states that the patient did not contract the disease or poisoning in the hospital, to the medical officer of health of the district within which are situate the premises from which the patient came and, if the local authority for that district is not a local health authority and the district is not within the area of the health authority within whose area the hospital is situate, to the local health authority within whose area those premises are situate.

(3) Where the local authority within whose district are situate premises whose address is, by virtue of paragraph (a) of subsection (1) above specified in a certificate sent under that subsection, are a local health authority, then, if the certificate is given with respect to a patient in hospital who came there from premises outside that district and the certificate states that the patient did not contract the disease or poisoning in the hospital, the medical officer of health who receives the certificate shall, on the day of its receipt (if possible) and in any case within forty-eight hours after its receipt, send a copy thereof—

(a) to the medical officer of health of the district within which are situate the premises from which the patient came; and

(b) if the local authority for that district are not a local health authority, to the local health authority within whose area the premises are situate.

(4) A person who fails to comply with an obligation imposed on him by subsection (1) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £10.

(5) In this section, “hospital” means any institution for the reception and treatment of persons suffering from illness, any maternity home and any institution for the reception and treatment of persons during convalescence or persons requiring

PART III
1959 c. 72.

medical rehabilitation, and "illness" includes mental disorder within the meaning of the Mental Health Act 1959 and any injury or disability requiring medical, surgical or dental treatment or nursing.

Supply of forms
for purposes of
section 46.

47. A local authority shall, upon application, supply forms of certificate for use under the last foregoing section free of charge to any medical practitioner practising in their district.

Fees for
certificates
under
section 46.

48.—(1) Subject to any exceptions for which provision may be made by the order, the Minister of Health may by order direct that a local authority shall pay to a medical practitioner for each certificate duly sent by him under section 46 of this Act a fee of such amount as may be prescribed by the order.

(2) Different fees may be prescribed by an order under this section in relation to different circumstances.

(3) For the avoidance of doubt it is hereby declared that the fact that a medical practitioner who gives a certificate under section 46 of this Act holds the office to whose holder the certificate is required to be sent does not disentitle him to payment of the fee (if any) payable for the certificate.

(4) An order under this section may be varied or revoked by a subsequent order of the Minister of Health.

(5) The powers conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Reimburse-
ment of fees
in certain
cases.

49. Where, in pursuance of section 46(2) of this Act, a copy of a certificate is sent by the medical officer of health of the district of a local authority to the local health authority within whose area are situate the premises whose address is, by virtue of subsection (1)(a) of that section, specified in the certificate, the latter authority shall pay to the former the amount of the fee (if any) paid by the latter in pursuance of the last foregoing section for the certificate.

Powers of
local authority
to extend
category of
notifiable
diseases.
1936 c. 49.

50.—(1) No order shall be made after the date of the coming into operation of this section under section 147(1) of the Public Health Act 1936 (power of local authority to extend category of notifiable diseases) nor shall an order under that section be varied after that date save by excluding a disease from it; but a local authority may by order (in relation to which the proviso to subsection (1) and subsections (2) to (4) of that section shall have effect as they have effect in relation to an order under subsection (1) thereof) direct that an infectious disease other than one specified in section 45 of this Act or one to which regulations

PART III

under section 143 of that Act relate shall, for the purpose of the application to their district of such of the provisions of that Act, the Public Health Act 1961 and this Act relating to notifiable diseases as are specified in the order, be deemed to be such a disease.

(2) Any reference in an order under the said section 147 to the provisions of Part V of the Public Health Act 1936 relating to the notification of disease shall be construed as a reference to section 46 of this Act.

51. Section 38(1) of the Public Health Act 1961 (power of a justice of the peace to order the medical examination of a person believed to be, or to have been, suffering from a notifiable disease) shall be amended by the insertion, after the word "disease", of the words "or, though not suffering from such a disease, is carrying an organism that is capable of causing it".

Power of justice of peace to order examination of person believed to be a carrier of a notifiable disease.

52.—(1) If a justice of the peace (acting, if he deems it necessary, ex parte) is satisfied, on a written certificate issued by the medical officer of health of any district—

Power of justice of peace to order medical examination of group of persons believed to comprise a carrier of a notifiable disease.

(a) that there is reason to believe that one of a group of persons, though not suffering from a notifiable disease, is carrying an organism that is capable of causing it; and

(b) that in the interest of any of those persons, or the family of any of them, or in the public interest, it is expedient that those persons should be medically examined;

the justice may order them to be medically examined by the medical officer of health or by a registered medical practitioner nominated by him.

(2) An order under this section may be combined with a warrant under section 287(2) of the Public Health Act 1936 authorising the medical officer of health to enter any premises.

53. In section 38(1) of the Public Health Act 1961 and in the last foregoing section, references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations.

Construction of references to medical examination.

54. In section 143 of the Public Health Act 1936 (which authorises the Minister of Health, with a view to the treatment of certain diseases and for preventing their spreading, to make regulations including provision applying, to diseases to which the regulations relate, any enactment relating to the notification of

Construction of section 143 of Public Health Act 1936.

PART III

disease or to notifiable diseases) the reference to any such enactment shall be construed as including references to any such enactment as amended by this Act and to sections 46 to 49 (both inclusive) and 52 of this Act.

Interpretation
of Part III.

55. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“local authority” and “district” have the same meanings as in the Public Health Act 1936;

1936 c. 49.

“local health authority” means an authority that is a local health authority for the purposes of Part III of the 1936 National Health Service Act 1946;

1946 c. 81.

“notifiable disease” means any of the diseases specified in section 45 of this Act.

Extent of Part III.

56. This Part of this Act does not apply to Scotland.

PART IV

MISCELLANEOUS MATTERS

*Provisions applicable to England and Wales and Scotland*Amendment of
Nurseries and
Child-Minders
Regulation
Act 1948.

57.—(1) The Nurseries and Child-Minders Regulation Act 1948 shall be amended as follows.

1948 c. 53.

(2) Section 1(1)(a) (by virtue whereof local health authorities are required to keep registers of premises in their areas, other than premises wholly or mainly used as private dwellings, where children are received to be looked after for the day or a substantial part thereof or for any longer period not exceeding six days) shall have effect with the substitution, for the words “a substantial part thereof” of the words “for a part or parts thereof of a duration, or an aggregate duration, of two hours or longer”; but the reception, before the expiration of the period of three months beginning with the day on which this section comes into operation, of a child in any premises as mentioned in section 1(1)(a) or by any person as mentioned in section 1(1)(b) shall not constitute an offence under section 4(1) or (2), as the case may be, if it would not have constituted an offence thereunder if this subsection had not been enacted.

(3) Section 4(2) (which penalises, amongst other things, the reception by a person as mentioned in section 1(1)(b) of children exceeding two in number and coming from more than one household without his being a relative of theirs and registered under section 1) shall, as from the expiration of the period aforesaid, have effect with the substitution, for the words “children of whom he is not a relative, and (a) the number of the children exceeds two, and (b) the children come from more than one household” of the words “a child of whom he is not a relative”.

(4) The punishment that may be imposed on a person guilty of a second or subsequent offence under section 4, being an offence committed after the coming into operation of this section, shall, instead of being imprisonment for a term not exceeding one month or a fine not exceeding £25 or both, be imprisonment for a term not exceeding three months or a fine not exceeding £100 or both.

(5) In section 1(3) (by virtue whereof a local health authority may refuse to register premises if, inter alia, they are satisfied that the premises are not fit to be used for the reception of children), after the word "fit" (where last occurring), there shall be inserted the words "(whether because of the condition thereof or of the equipment thereof or for any reason connected with the situation, construction or size thereof or with other persons therein)".

(6) In section 1(4) (by virtue whereof a local health authority may refuse to register a person if, inter alia, they are satisfied that the premises in which the children are received or are proposed to be received are not fit, whether because of the condition thereof or for any reason connected with other persons therein, to be used for the purpose), after the word "thereof", there shall be inserted the words "or of the equipment thereof" and after the words "connected with" there shall be inserted the words "the situation, construction or size thereof or with".

(7) An application for the registration under section 1 of any premises shall be of no effect unless it contains a statement with respect to each person employed or proposed to be employed in looking after children at the premises, and each person who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises, whether or not—

(a) there has been made against him any such order as is mentioned in paragraph (a), (b) or (e) of section 6 of the Children Act 1958 (disqualification for keeping 1958 c. 65. foster children);

(b) he has been convicted as mentioned in paragraph (c) thereof; or

(c) his rights and powers with respect to a child have been vested as mentioned in paragraph (d) thereof;

and an application for the registration under section 1 of a person shall be of no effect unless it contains a similar statement with respect to him, each person employed or proposed to be employed by him in looking after children and each person other than himself who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises in which the children are

PART IV received or proposed to be received ; and a person who, in any such application as aforesaid, makes, with respect to himself or another, any such statement as aforesaid which is false and is known to him to be false or recklessly makes, with respect to himself or another, such a statement which is false shall be guilty of an offence and liable on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or to both.

(8) Section 2(2) (which empowers a local health authority to order that the number of children that may be received by a person in his home as mentioned in section 1(1)(b), together with any other children therein, shall not exceed such number as may be specified) shall have effect with the omission of the words “together with any other children in his home” and the addition at the end thereof of the words “and in making an order under this subsection an authority shall have regard to the number of any other children who may from time to time be in the home”.

(9) The power of the local health authority under the said section 2(2) to limit the number of children that may be received by a person in his home as mentioned in section 1(1)(b) shall include power by order to impose requirements for securing—

- (a) that there shall be available, for looking after the children received by him as so mentioned, persons adequate in number and in qualifications or experience ;
- (b) that the premises in which the children are received shall be kept safe and adequately maintained and the equipment thereof shall be adequately maintained ;
- (c) that there shall be adequate arrangements for feeding the children so received and that an adequate and suitable diet shall be provided for them ;
- (d) that records shall be kept in relation to the children so received containing such particulars as may be specified by the authority.

(10) In paragraph (d) of section 2(4) (which specifies, as one of the objects for the securing of which, as respects registered premises, requirements may be imposed by a local health authority, that the premises and the equipment thereof shall be adequately maintained), after the word “premises”, there shall be inserted the words “shall be kept safe and adequately maintained”.

(11) Section 7 (inspection) shall have effect—

- (a) as if, at the end of subsection (1), there were added the words “and may at all reasonable times enter the home of a person registered under section one of this Act by

the authority, and may inspect it and any children received there as mentioned in paragraph (b) of subsection (1) of section one of this Act, the arrangements for their welfare and any records relating to them kept in pursuance of this Act"; and

(b) as if, in subsection (2), the words "is refused admission to the home of a person registered under section one of this Act, or" and the words "admission has been refused, or, as the case may be, that" were omitted.

(12) The maximum amount of the fee that, under section 3(3), may be demanded by a local health authority for the issue of a copy of a certificate of registration under section 1 shall be increased from two shillings and sixpence to five shillings, and accordingly, in that subsection, for the words "two shillings and sixpence" there shall be substituted the words "five shillings".

(13) Section 12 (which authorises the payment out of moneys provided by Parliament of any increase attributable to the Act in grants payable under any other Act, and is spent) shall cease to have effect.

58.—(1) The Minister of Health and the Secretary of State shall together have power (exercisable by order made by statutory instrument) to extend the definition of "welfare food" in section 4(2) of the Emergency Laws (Re-enactments and Repeals) Act 1964 (which empowers them to regulate or prohibit the acquisition, distribution, &c., of any such food and to control the price to be charged for it), but a statutory instrument containing an order by which this power is exercised shall not be made unless a draft of the instrument has been laid before Parliament and has been approved by a resolution of each House of Parliament.

(2) *Any expenses incurred by the said Minister or the Secretary of State in connection with the operation of a scheme administered by a government department for the provision of any welfare food as for the time being defined by the said section 4(2) shall be defrayed out of moneys provided by Parliament.*

59.—(1) In the Public Health Act 1936 references to vessels, and in the Food and Drugs Act 1955 references to ships, shall be construed as including references to hover vehicles, that is to say, vehicles designed to be supported on a cushion of air; and in each of those Acts "master" shall be construed accordingly.

Hover vehicles brought within scope of Acts relating to public health and food and drugs. 1936 c. 49. 1955 c. 16. (4 & 5 Eliz. 2.)

PART IV
1936 c. 49.

1956 c. 30.

Financial
assistance by
the Minister
of Health and
the Secretary
of State to
certain
voluntary
organisations.

(2) This section shall have effect in Scotland as if, for the references therein to the Public Health Act 1936 and the Food and Drugs Act 1955, there were substituted references respectively to the Public Health (Scotland) Acts 1897 to 1945 and the Food and Drugs (Scotland) Act 1956.

5

60.—(1) *The Minister of Health may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a voluntary organisation to which this section applies assistance by way of grant or by way of loan, or partly in the one way and partly in the other.*

10

(2) This section applies to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided.

15

(3) In this section—

1946 c. 81.

1948 c. 29.

1967 c. 39.

(a) “the relevant enactments” means the National Health Service Act 1946, Part III of the National Assistance Act 1948, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 43 thereof;

20

(b) “relevant service” means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Minister of Health or the council of a county, county borough or London borough or the Common Council of the City of London or a service for the provision of which an Executive Council is, by virtue of Part IV of the National Health Service Act 1946, under a duty to make arrangements; and

25

30

(c) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

35

(4) This section shall have effect in Scotland as if, in subsection (1) thereof, for the reference to the Minister of Health there were substituted a reference to the Secretary of State; and as if, in subsection (3) thereof, for paragraphs (a) and (b) there were substituted the following paragraphs:—

40

1947 c. 27.

“ (a) ‘the relevant enactments’ means the National Health Service (Scotland) Act 1947, Part III of the National Assistance Act 1948 and Part I of this Act and section 43 thereof;

45

(b) 'relevant service' means a service which must or may, by virtue of the relevant enactments, be provided or the provision of which must or may, by virtue of those enactments, be secured by the Secretary of State or by a county council or by the town council of a large burgh; or a service for the provision of which an Executive Council is, by virtue of Part IV of the National Health Service (Scotland) Act 1947, 1947 c. 27. under a duty to make arrangements; and "

61.—(1) A local authority may give assistance by way of grant or by way of loan, or partly in the one way and partly in the other, to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided, and so may the Greater London Council.

(2) A local authority may also assist any such voluntary organisation as aforesaid by permitting them to use premises belonging to the authority on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift, or loan or otherwise) and the services of any staff who are employed by the authority in connection with the premises or other things which they permit the organisation to use, and the Greater London Council may assist in like manner a voluntary organisation with whom arrangements have been made by them under section 27 of the National Health Service Act 1946 for the provision by the organisation of ambulances and other transport and of staff therefor.

(3) In this section—

(a) "local authority" (except where used in the expression "public or local authority") means the council of a county, county borough or London borough or the Common Council of the City of London;

(b) "the relevant enactments" means Part III of the National Health Service Act 1946, Part III of the National Assistance Act 1948, section 3 of the Disabled Persons (Employment) Act 1958, the National Health Service (Family Planning) Act 1967 and Part I of this Act and section 43 thereof;

(c) "relevant service" means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and

PART IV

(d) “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(4) The foregoing provisions of this section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(5) and 28(3) and (so far as it relates to such organisations) section 63 of the National Health Service Act 1946, sections 26(6) and 30(2) of the National Assistance Act 1948, sections 45(4) and 46(3) of the London Government Act 1963 and, except in so far as it applies to the councils of county districts, section 31(3) of the National Assistance Act 1948.

1958 c. 55. (5) Subsection (1) of section 46 of the Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.

(6) This section (except in so far as it relates to the Greater London Council) shall have effect in Scotland as if, in subsection (3) thereof, for paragraphs (a) and (b), there were substituted the following paragraphs:—

1947 c. 43. “(a) ‘local authority’ (except where used in the expression ‘public or local authority’), in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council; and ‘small burgh’ and ‘large burgh’ have the same meanings as in the Local Government (Scotland) Act 1947;

1947 c. 27. (b) ‘the relevant enactments’ means Part III of the National Health Service (Scotland) Act 1947, Part III of the National Assistance Act 1948, section 3 of the Disabled Persons (Employment) Act 1958 and Part I of this Act and section 43 thereof;”

1958 c. 33.

and as if, for subsection (4) there were substituted the following subsection:—

“ (4) This section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(3) and 27(3) and (so far as it authorises local health authorities to give assistance to such organisations) section 63 of the National Health Service (Scotland) Act 1947, and sections 26(6) and 30(2) of the National Assistance Act 1948 and (except in so far as it applies to the town councils of small burghs and to district councils) section 31(3) of the National Assistance Act 1948 ”.

62.—(1) The Minister of Health may—

PART IV

- (a) purchase and store and, on such terms as may be agreed between him and them, supply to authorities which are local health authorities for the purposes of Part III of the National Health Service Act 1946 any goods or materials required by them for the discharge of their functions as local health authorities ;
- (b) purchase and store and, on such terms as he may determine, supply to Executive Councils any goods or materials required by them for the discharge of their functions under section 23 of this Act ;
- (c) purchase and store and, on such terms as may be agreed between him and them, supply to local authorities any goods or materials required by them for the discharge of their functions under any of the following enactments, namely, sections 21, 29 and 31 of the National Assistance Act 1948 and section 43 of this Act ;
- (d) purchase and store and, on such terms as may be agreed between him and them, supply to councils of county districts by which functions of councils of counties are for the time being exercisable by virtue of a scheme made under section 46 of the Local Government Act 1958 any goods or materials required by those councils of county districts for the discharge of such of the said functions as are for the time being so exercisable by them ;
- (e) purchase and store and, on such terms as may be agreed between him and them, supply to local education authorities any goods or materials required by them for the discharge of their functions under section 48 of the Education Act 1944 (medical inspection and treatment of pupils) or section 4 of the Education (Miscellaneous Provisions) Act 1953 (dental treatment of pupils).

Power of the Minister of Health and the Secretary of State to purchase goods for supply to local authorities and Executive Councils.

1946 c. 81.

1948 c. 29.

1958 c. 55.

1944 c. 31.

1953 c. 33.

(2) The foregoing subsection shall have effect in Scotland as if—

- (a) for any reference therein to the Minister of Health there were substituted a reference to the Secretary of State ;
- (b) for the reference in paragraph (a) thereof to Part III of the National Health Service Act 1946 there were substituted a reference to Part III of the National Health Service (Scotland) Act 1947 ;
- (c) paragraph (d) thereof were omitted ;
- (d) for the reference in paragraph (e) thereof to section 48 of the Education Act 1944 there were substituted a reference to sections 58 and 60 of the Education (Scotland) Act 1962 ; and

1962 c. 47.

PART IV
1953 c. 33.

- (e) for the reference in paragraph (e) thereof to section 4 of the Education (Miscellaneous Provisions) Act 1953 there were substituted a reference to sections 59 and 60 of the said Act of 1962.

Provisions applicable to England and Wales only

Amendment
of Mental
Health Act
1959 in case
where
functions
under Part IV
thereof of
county council
are delegated.

1958 c. 55.
1959 c. 72.

63.—(1) In relation to a county district whereof the council are, under a delegation scheme made under section 46 of the Local Government Act 1958, exercising the functions under Part IV of the Mental Health Act 1959 of the council of a county,—

- (a) the powers exercisable by the council of the district by virtue of section 47(2)(c) of the last-mentioned Act (order for discharge of patient received into guardianship may be made by responsible medical officer, responsible local health authority or nearest relative of patient) may be exercised by any three or more members of the council authorised by them in that behalf;

- (b) any reference in the said Part IV to the responsible medical officer shall, in relation to a patient received into guardianship under Part IV of that Act, be construed as referring to the medical officer of health of the district or any other medical officer authorised by the council of the district to act (either generally or in any particular case or for any particular purpose) as the responsible medical officer.

(2) Section 56(3) of the said Act of 1959 (which includes, amongst the matters for which regulations may be made under that section, the determination of the manner in which functions under Part IV of that Act are to be exercised by managers of hospitals, local health authorities or regional hospital boards and the specification of the circumstances in which, and the conditions subject to which, such functions may be performed by officers of, or other persons acting on behalf of the managers, authorities or boards) shall have effect as if the references to such authorities included references to the councils of county districts by whom their functions under that Part of that Act are exercisable under such a delegation scheme as aforesaid.

(3) This section does not apply to Scotland.

Repeal of section
172 of the Public
Health Act 1936.
1936 c. 49.

64. Section 172 of the Public Health Act 1936 (removal to hospital of infectious persons suffering from tuberculosis of the respiratory tract) is hereby repealed.

- 65.—(1) Where the local authority within whose district a common lodging-house is situate are not a local health authority, the medical officer of health of the district shall, on the day on which he receives a notice under section 242 of the Public Health Act 1936 (duty of keeper of common lodging-house to notify cases of infectious disease) from the keeper of such a lodging house (if possible) and in any case within forty-eight hours after the receipt of the notice, send a copy thereof to the local health authority within whose area that lodging-house is situate.
- (2) In this section “local authority” and “district” have the same meanings as in the said Act of 1936, and “local health authority” means an authority that is a local health authority for the purposes of Part III of the National Health Service Act 1946.
- (3) This section does not apply to Scotland.

Provisions applicable to Scotland only

- 66.—(1) With a view to preventing the spread of—
- (a) any infectious disease, or
 - (b) any food poisoning to which section 22(1) of the Food and Drugs (Scotland) Act 1956 applies,
- a person who is at work may be requested by the medical officer of health for the place where the person is at work, by notice in writing, to discontinue his work.
- (2) The local authority for the place in question shall compensate a person who has suffered any loss in complying with a request under this section; and any dispute arising under this subsection, whether as to the fact of loss or as to the amount of any compensation, shall be determined by a single arbiter, who, failing agreement between the parties, shall be appointed by the sheriff.
- (3) In this section “local authority” in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council; and “small burgh” and “large burgh” have the same meanings as in the Local Government (Scotland) Act 1947.
- (4) This section applies to Scotland only.

- 67.—(1) If the sheriff (acting, if he deems it necessary, ex parte) is satisfied, on a written certificate issued by the medical officer of health for any district—
- (a) that there is reason to believe that some person in the district is or has been suffering from an infectious disease, or, though not suffering from such a disease, is carrying an organism that is capable of causing it, and

PART IV
Copy of
notice under
section 242
of the Public
Health Act
1936 to be
sent to health
authority if it
is not local
authority.

1936 c. 49.

1946 c. 81.

Compensation
for stopping
employment
to prevent
spread of
disease in
Scotland.
1956 c. 30.

1947 c. 43.

Powers of
sheriff, &c.
to order
a medical
examination
in Scotland.

PART IV

(b) that in his own interest, or in the interest of his family, or in the public interest, it is expedient that he should be medically examined, and

(c) that he is not under the treatment of a registered medical practitioner, or that the registered medical practitioner who is treating him consents to the making of an order under this section,

the sheriff may order him to be medically examined by the medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.

(2) If the sheriff (acting if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the medical officer of health for any district—

(a) that there is reason to believe that one of a group of persons, though not suffering from an infectious disease, is carrying an organism that is capable of causing it; and

(b) that in the interest of any of those persons, or the family of any of them, or in the public interest, it is expedient that those persons should be medically examined,

the sheriff may order them to be medically examined by the medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.

1945 c. 15.
(9 & 10
Geo. 6.)

(3) This section shall be included among the enactments which the Secretary of State is empowered by section 1 of the Public Health (Scotland) Act 1945 (which authorises the Secretary of State with a view to the treatment of certain diseases and for preventing their spreading, to make regulations including provision applying, to diseases to which the regulations relate, any enactment relating to the notification of disease or to notifiable diseases) to apply, with or without modification, by such regulations, to any disease to which the regulations relate.

(4) In this section, references to a person's being medically examined shall be construed as including references to his being submitted to bacteriological and radiological tests and similar investigations and references to the sheriff shall be construed, in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.

(5) This section applies to Scotland only.

Power of
medical officers
of health to
enter premises
in Scotland.

68.—(1) Subject to the provisions of this section, the medical officer of health for any district shall, on producing, if so required, some duly authenticated document showing his authority have a right to enter any premises in that district at all reasonable

hours for the purpose of the performance of any duty imposed on him by— PART IV

(a) the Infectious Disease (Notification) Act 1889 ; or 1889 c. 72.

(b) the Public Health (Scotland) Acts 1897 to 1945 ; or

5 (c) this Act ;

or, if he has reason to believe that any infectious disease exists, or has recently existed, in the premises, for the purpose of inspecting the premises.

(2) If the sheriff, on a written certificate issued by the medical officer of health for any district,—

(a) is satisfied that there are reasonable grounds for entry into any premises for any such purpose as aforesaid, and

(b) is also satisfied either—

15 (i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or

20 (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or

(iii) that the case is one of urgency, or

(iv) that the premises are unoccupied or that the occupier is temporarily absent,

25 he may by warrant under his hand authorise the medical officer of health to enter the premises, if need be by force.

(3) A medical officer of health entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectively secured against

30 unauthorised entry as he found them.

(4) Every warrant granted under this section shall continue in force for a period of one month.

(5) If—

35 (a) any person who, in compliance with the provisions of this section, or of a warrant issued thereunder, enters a factory or workplace, discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret ; or

40 (b) any person to whom by reason of his official position any information obtained as aforesaid is communicated, discloses that information to any person,

45 he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this section.

PART IV

(6) A person who wilfully obstructs any person acting in the execution of this section or of a warrant issued thereunder shall be guilty of an offence against this section.

(7) A person who fails to give to any person acting in the execution of this section or of any warrant issued thereunder 5 any assistance which that person may reasonably request him to give, or any information which that person is expressly authorised by any enactment to call for or may reasonably require, or who, when required to give any such information, knowingly makes any mis-statement in respect thereof, shall be 10 guilty of an offence against this section:

Provided that nothing in this subsection shall be construed as requiring a person to answer any question, or give any information, if to do so might incriminate him.

(8) A person guilty of an offence against this section shall 15 be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

1897 c. 38.

(9) In this section "medical officer of health" has the same meaning as in the Public Health (Scotland) Act 1897; and 20 references to the sheriff shall be construed, in relation to any place, as including references to any justice of the peace appointed for an area which includes that place, and to any burgh magistrate so appointed.

(10) This section applies to Scotland only.

25

69. So much of section 4(2) of the Infectious Disease (Notification) Act 1889 as relates (in Scotland) to the payment of fees to medical practitioners for certificates under that Act shall cease to have effect.

Fees for certain certificates no longer payable under section 4 of the Infectious Disease (Notification) Act 1889 in Scotland.
1889 c. 72.

70. In relation to postal packets addressed by patients detained 30 in State hospitals within the meaning of the Mental Health (Scotland) Act 1960, section 34(2) of that Act (correspondence of patients) shall have effect as if, in the proviso thereto, paragraph (i) were omitted.

Correspondence of patients in State hospitals in Scotland.
1960 c. 61.

71.—(1) Subject to the provisions of this section, the Secre- 35 tary of State may pay to the authorities to whom this section applies grants of such amounts, payable at such times, and subject to such conditions, as he may with the consent of the Treasury determine in respect of expenditure on revenue account incurred by those authorities on and after the relevant date in 40 the exercise in relation to imported food of functions conferred or imposed on them by or under the Food and Drugs (Scotland) Act 1956.

Grants to certain authorities in Scotland in respect of functions relating to imported food.
1956 c. 30.

(2) The authorities to whom this section applies are county councils, the town councils of large burghs (within the meaning of the Local Government (Scotland) Act 1947), port local authorities within the meaning of section 172 of the Public Health (Scotland) Act 1897 and combinations of such port local authorities.

(3) *The amount of the grant payable under this section in respect of any expenditure shall not exceed one half of that expenditure.*

(4) In this section “relevant date” in relation to any authority means the day in the calendar year 1968 on which that authority’s financial year begins.

(5) This section applies to Scotland only.

PART V

GENERAL

72.—(1) *There shall be defrayed out of moneys provided by Parliament—* Expenses and receipts.

(a) *any expenses incurred by the Minister of Health or the Secretary of State in the exercise of any of their powers under this Act;*

(b) *any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other Act.*

(2) *All sums received, by virtue of this Act, by the Minister of Health or the Secretary of State shall be paid into the Exchequer.*

73.—(1) The enactments specified in Part I of Schedule 3 to this Act and the schemes mentioned in Part II of that Schedule shall have effect subject to the amendments specified in relation thereto in that Schedule, being amendments consequential on the foregoing provisions of this Act. Consequential amendments and repeals.

(2) The enactments specified in columns 1 and 2 of Schedule 4 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

74.—(1) This Act may be cited as the Health Services and Public Health Act 1967, and Part I of this Act, so far as it applies to England and Wales, and the National Health Service (Family Planning) Act 1967 shall be included among the enactments which may be cited together as the National Health Short title, citation, commencement, and extent. 1967 c. 39.

PART V Service Acts 1946 to 1967 and Part I of this Act, so far as it applies to Scotland, shall be included among the enactments which may be cited together as the National Health Service (Scotland) Acts 1947 to 1967.

(2) This Act, in its application to England and Wales, shall 5
come into force on such date as the Minister may by order made by statutory instrument appoint, and in its application to Scotland on such date as the Secretary of State may by order so made appoint; and different dates may be appointed under this section for different provisions of this Act or for 10
different purposes.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 15.

EXECUTIVE COUNCILS

Constitution of Executive Councils

- 5 1. An Executive Council shall consist of thirty members of whom—
- (a) eight members shall be appointed by the local health authority for the area of the Executive Council ;
 - (b) seven members shall be appointed by the Minister ;
 - 10 (c) eight members (of whom one, but no more, shall be a medical practitioner having the qualifications prescribed for the purposes of section 41 of the 1946 Act) shall be appointed by the Local Medical Committee ;
 - 15 (d) three members shall be appointed by the Local Dental Committee ;
 - (e) two members shall be appointed by the Local Pharmaceutical Committee ;
 - (f) one member (who shall be an ophthalmic optician) shall be appointed by the members of the Local Optical Committee who are such opticians ;
 - 20 (g) one member (who shall be a dispensing optician) shall be appointed by the members of that Committee who are such opticians.
2. The Members of an Executive Council shall from time to time, 25 in accordance with such procedure as may be prescribed, appoint one of their members to be chairman of the Council.

Supplementary Provisions

3. Every Executive Council shall be a body corporate with perpetual succession and a common seal.
- 30 4. An Executive Council shall not acquire land except with the consent of the Minister.
5. The term of office of the chairman of an Executive Council shall be such as the Council, when making the appointment, determine, but if he ceases to be a member of the Council he shall also 35 cease to be chairman.
6. The Minister may make regulations—
- (a) with respect to the appointment, tenure of office and vacation of office of the members of an Executive Council ;
 - 40 (b) with respect to the appointment of committees consisting wholly or partly of members of such a Council and the delegation of functions to such committees ;

SCH. 1

- (c) with respect to the appointment of officers of such a Council ;
 (d) for payment by such a Council of sums, not exceeding such sums as may be prescribed, as subscriptions to the funds of any association of such Councils whose objects are approved by the Minister ;
 (e) with respect to the procedure of such a Council or any such committee as aforesaid.

5

7. If a Local Medical Committee, a Local Dental Committee, a Local Pharmaceutical Committee, the members of a Local Optical Committee who are ophthalmic opticians or the members of such a committee who are dispensing opticians fail within such period as the Minister may determine to appoint any member of an Executive Council whom they are required to appoint, the appointment shall be made by the Minister.

8. The proceedings of an Executive Council or committee thereof shall not be invalidated by a vacancy in the membership of the Council or committee or by a defect in the appointment or qualification of a member thereof.

Section 41.

SCHEDULE 2

1946 c. 81.

ENACTMENTS OF THE NATIONAL HEALTH SERVICE ACT 1946

20

1947 c. 27.

AND THE NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1947 APPLIED

PART I

ENACTMENTS OF THE NATIONAL HEALTH SERVICE
ACT 1946 APPLIED

<i>Enactment</i>	<i>Subject-matter</i>	
Section 57	Default powers of Minister of Health.	25
Section 58	Acquisition of land.	
Section 63	Use of premises and equipment of local authorities by other authorities.	
Section 70	Inquiries.	30
Section 71	Recovery of charges.	
Section 72	Protection of officers.	
Section 80(3)	Power to apply Act to Isles of Scilly.	

PART II

ENACTMENTS OF THE NATIONAL HEALTH SERVICE
(SCOTLAND) ACT 1947 APPLIED

35

<i>Enactment</i>	<i>Subject matter</i>	
Section 56	Default powers of Secretary of State.	
Section 57	Purchase of land.	
Section 63	Use of premises and equipment of local authorities by other authorities.	40
Section 69	Inquiries.	
Section 70	Protection of certain bodies and their officers.	

SCHEDULE 3

Section 73.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS AND SCHEMES

PART I

ENACTMENTS

5 *The Midwives Act 1936*
 (26 Geo. 5 & 1 Edw. 8. c. 40)

In section 2(3), the first reference to the Midwives Act 1936 shall be construed as including a reference to section 10 of this Act as it applies to England and Wales.

10 *The National Health Service (Scotland) Act 1947*
 (10 & 11 Geo. 6. c. 27)

Section 63 shall have effect as if, after the word “or” where it secondly occurs, there were inserted the words “(except where the authority is a local health authority)”.

15 *The National Assistance Act 1948*
 (11 & 12 Geo. 6. c. 29)

In section 21(7), in the definition of local health services, the reference to services provided for persons in their own homes under Part III of the National Health Service Act 1946 (hereinafter 1946 c. 81. referred to as “the 1946 Act”) or of the National Health Service 20 (Scotland) Act 1947 (hereinafter referred to as “the 1947 Act”) shall be construed as including a reference to services so provided under Part I of this Act.

In section 29(6)(b), the reference to accommodation and services 25 required to be provided under the 1946 or the 1947 Act shall be construed as including a reference to accommodation or services required to be provided under Part I of this Act.

The Midwives Act 1951
 (14 & 15 Geo. 6. c. 53)

30 In section 11(2), the reference to section 23 of the 1946 Act shall be construed as including a reference to section 10 of this Act.

The Disabled Persons (Employment) Act 1958
 (6 & 7 Eliz. 2. c. 33)

In section 3(2), references to arrangements under section 28 35 of the 1946 Act shall be construed as references to arrangements under section 12 of this Act.

In paragraph 2 of the Schedule, references to functions under section 28 of the 1946 Act shall be construed as references to functions under section 12 of this Act.

40 *The Local Government Act 1958*
 (6 & 7 Eliz. 2. c. 55)

In section 46(1),

(a) for paragraph (a) there shall be substituted the following paragraph:—

45 “(a) Part III of the National Health Service Act 1946, except the functions under section 27 of that Act

SCH. 3
1967 c. 39.

(which relates to ambulances), section 1 of the National Health Service (Family Planning) Act 1967 and sections 10 to 13 of the Health Services and Public Health Act 1967 except the functions mentioned in paragraph (g) of this subsection"; 5

(b) after paragraph (d) there shall be inserted the following paragraphs:—

“(e) section 43 of the Health Services and Public Health Act 1967;

(ea) section 61 of the Health Services and Public Health Act 1967”; 10

(c) for paragraph (g) there shall be substituted the following paragraph:—

“(g) section 12 of the Health Services and Public Health Act 1967 so far as it relates to the care 15 in residential accommodation of persons with a view to preventing them from becoming mentally ill, to the care in such accommodation of persons suffering from mental illness or to the after-care in such accommodation of persons who have been 20 so suffering”.

The Mental Health Act 1959
(7 & 8 Eliz. 2. c. 72)

In section 8, in subsection (1), the reference to provision made under section 28 of the 1946 Act shall be construed as a reference 25 to provision made under section 12 of this Act, and in subsections (2) and (4), references to Part III of the 1946 Act shall be construed as including references to Part I of this Act.

In sections 9(1) and 12(1), any reference to arrangements made under section 28 of the 1946 Act shall be construed as a reference 30 to arrangements made under section 12 of this Act.

The Mental Health (Scotland) Act 1960
(8 & 9 Eliz. 2. c. 61)

In section 8, in subsections (2) and (4), the references to Part III of the 1947 Act shall be construed as including references to Part I 35 of this Act.

The Health Visiting and Social Work (Training) Act 1962
(10 & 11 Eliz. 2. c. 33)

In sections 3 and 5, references to functions under Part III of the 40 1946 Act shall be construed as including references to functions under Part I of this Act in its application to England and Wales, and references to functions under Part III of the National Assistance Act 1948 shall be construed as including references to functions under section 26 of that Act as amended by section 42 of this Act 45 and under section 43 of this Act.

In section 3(5), the reference to functions under Part III of the 1947 Act shall be construed as including a reference to functions under Part I of this Act in its application to Scotland.

1958 c. 55.

The London Government Act 1963
(1963 c. 33)

SCH. 3

The reference in paragraph (a) of section 45(2) to Part III of the 1946 Act shall be construed as including a reference to sections 10, 12 and 13 of this Act.

The General Rate Act 1967
(1967 c. 9)

In section 45(b), the references to purposes mentioned in and arrangements made under section 28(1) of the 1946 Act shall be construed respectively as including references to purposes mentioned in and arrangements made under section 12 of this Act.

PART II

SCHEMES

All delegation schemes in force under section 46 of the Local Government Act 1958 immediately before the coming into operation of this Part of this Schedule shall be amended as follows:—

- (a) references to sections 23, 28 and 29 of the 1946 Act shall be construed as referring respectively to sections 10, 12 and 13 of this Act ;
- (b) references to sections 24 and 25 of the 1946 Act shall be construed as including respectively references to sections 11(1) and 11(2) of this Act ;
- (c) any reference to section 29 of the National Assistance Act 1948 shall be construed as including a reference to section 43 of this Act.
- (d) references to sections 22 and 28 of the 1946 Act and section 30 of the National Assistance Act 1948 shall be construed as including references to section 61 of this Act.

SCHEDULE 4

Section 73.

ENACTMENTS REPEALED

30

Chapter	Short Title	Extent of Repeal
52 & 53 Vict. c. 72.	The Infectious Disease (Notification) Act 1889.	In section 4(2) the words “ and shall pay ” onwards.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act 1897.	Section 45.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Sections 144 to 146. Section 172.

35

SCH. 4

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 81.	The National Health Service Act 1946.	<p>Section 5.</p> <p>Section 7(5)(c) and (d).</p> <p>In section 11, in subsection (9), in paragraph (i), the words “and compensation”, except in relation to an order made in consequence of the occurrence, before the coming into operation of section 33 of this Act, of any of the events mentioned in paragraphs (a) to (c) of that subsection, and paragraph (ii). 5 10</p> <p>Section 22(5). 15</p> <p>Section 23.</p> <p>In section 28, subsection (1) subsection (2) (except in relation to services provided before the coming into operation of section 12 of this Act) and subsection (3). 20</p> <p>In section 29, subsection (1) and (except in relation to help provided before the coming into operation of section 13 of this Act) subsection (2). 25</p> <p>In section 31, in subsection (5), the words “and their compensation by the Minister”, except in relation to an order made under subsection (2), (3) or (4) of that section before the coming into operation of section 33 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections. 30 35 40</p> <p>In section 40(2)(e), the words “and also for the remuneration of members of the Board”. 45</p> <p>Section 41(2) and (4). 45</p> <p>Section 48.</p> <p>In section 54, in subsection (3), the words “or by an Ophthalmic Services Committee on behalf of the Council”, and subsection (5). 50</p> <p>In section 57(1), the words “Ophthalmic Services Committee”. 55</p> <p>In section 63, the words from “or by any voluntary” to “1959”. 55</p>

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 81— <i>cont.</i>	The National Health Service Act 1946— <i>cont.</i>	In Schedule 1, in paragraph 2, the words from “and for the making of such payments” onwards. In Schedule 3, in Part IV, paragraphs 2(c) and 5. In Schedule 6, paragraph 3(b). In Schedule 7, paragraph 6(b). In Schedule 10, the words from “Where the local authority” to “by the local health authority”.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act 1947.	Section 5. In section 11, in subsection (10), in paragraph (i), the words “and compensation”, except in relation to an order made in consequence of the occurrence, before the coming into operation of section 33 of this Act, of any of the events mentioned in paragraphs (a) and (b) of that subsection. In section 22, subsection (3). Section 23. In section 27, subsection (3). In section 28, subsection (1) and (except in relation to help provided before the coming into operation of section 13 of this Act) subsection (2). In section 32, in subsection (5) the words “and their compensation by the Secretary of State” except in relation to an Order made under subsections (2), (3) or (4) of that section before the coming into operation of section 33 of this Act or an order made before the coming into operation of that section revoking an order made under any of those subsections. In section 39, in subsection (2)(e) the words “and also for the remuneration of members of the Board”. In section 42, subsections (2) (as originally enacted) and (4). Section 48. In section 54, in subsection (1), the words from “and expenditure” where second occurring to the end of the subsection, and subsection (3).

SCH. 4

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 27— <i>cont.</i>	The National Health Service (Scotland) Act 1947— <i>cont.</i>	<p>In Schedule 1 in paragraph 2 the words from “and for the making of such payments” onwards. 5</p> <p>In Schedule 4 Part IV paragraphs 2(c) and 5.</p> <p>In Schedule 6, paragraph 4(c), the proviso to paragraph 4, and paragraph 8. 10</p> <p>In Schedule 7 paragraph 3(b).</p> <p>In Schedule 8 paragraph 6(b).</p>
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	<p>Section 26(6).</p> <p>Section 30(2).</p> <p>Section 31, except in relation to councils of county districts in England and Wales and town councils of small burghs and district councils in Scotland. 20</p>
11 & 12 Geo. 6. c. 53.	The Nurseries and Child-Minders Regulation Act 1948.	<p>In section 7(2), the words “is refused admission to the home of a person registered under section one of this Act, or” and the words “admission has been refused or, as the case may be, that”. 25</p> <p>Section 12.</p>
12, 13 & 14 Geo. 6. c. 93.	The National Health Service (Amendment) Act 1949.	<p>In section 21, the words “or ophthalmic or dispensing optician”, the words “or optician” and the words “or to the satisfaction of the Minister acting on the advice of such a committee”. 30 35</p> <p>Section 22.</p> <p>In section 29(1), the words “the Fifth Schedule to the Act of 1946 and”. 40</p> <p>In the Schedule, in Part I, the words from “In subsection (5) of section 54”, to “(including travelling and subsistence expenses)”, the words from “In paragraph 2 of the First Schedule” to “usual place of residence” and the words from “At the end of the said Part IV” onwards and in Part II the words from “In subsection (3) of section 54” to “(including travelling and subsistence expenses)”, the words from “in paragraph 2 of the First Schedule” to 55</p>

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 93 — <i>cont.</i> 5	The National Health Service (Amendment) Act 1949— <i>cont.</i>	“set up as aforesaid”, the words from “For sub-paragraph (c) of paragraph 2” to “usual place of residence”, the words from “at the end of the said Part IV” to “such bodies”, the words from “For sub-paragraph (c) of paragraph 4” to “any approved duty” and the words from “At the end of the said paragraph 4” onwards.
10		
14 & 15 Geo. 6. c. 53. 15	The Midwives Act 1951.	In section 11(2), the words “or maternity nurses”.
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 6(4).
4 & 5 Eliz. 2. c. 16. 20	The Food and Drugs Act 1955.	Section 26.
7 & 8 Eliz. 2. c. 72. 25	The Mental Health Act 1959.	Sections 6 and 7. Section 153(3). In Schedule 6, paragraph 1. In Schedule 7, the amendment of section 63 of the National Health Service Act 1946.
8 & 9 Eliz. 2. c. 61. 30	The Mental Health (Scotland) Act 1960.	In Schedule 4, the amendment of section 63 of the National Health Service (Scotland) Act 1947.
9 & 10 Eliz. 2. c. 43.	The Public Authorities Allowances) Act, 1961.	Sections 4, 5 and 6.
10 & 11 Eliz. 2. c. 24. 35	The National Assistance Act 1948 (Amendment) Act 1962.	In section 1(1), the section substituted for section 31 of the National Assistance Act 1948, but except in relation to councils of county districts in England and Wales and town councils of small burghs and district councils in Scotland.
40		
1963 c. 33.	The London Government Act 1963.	Section 45(4). Section 46(3).
1964 c. xxxv.	The Newcastle upon Tyne Corporation Act 1964.	Section 29.
45 1967 c. 39.	The National Health Service (Family Planning) Act 1967.	In section 2, subsection (2) from the beginning to “section, and”. In section 3(1)(a), the words “or section 61 of the Local Government Act 1958”.
50		

Health Services and Public Health

A

B I L L

To amend the National Health Service Act 1946 and the National Health Service (Scotland) Act 1947 and make other amendments connected with the national health service; to make amendments connected with local authorities' services under the National Assistance Act 1948; to amend the law relating to notifiable diseases and food poisoning; to amend the Nurseries and Child-Minders Regulation Act 1948; to amend the law relating to food and drugs; to enable assistance to be given to certain voluntary organisations; to enable the Minister of Health and Secretary of State to purchase goods for supply to certain authorities; to make other amendments in the law relating to the public health; and for purposes connected with the matters aforesaid.

*Presented by Mr. Kenneth Robinson,
supported by*

*Mr. Secretary Ross, Mr. Secretary Hughes,
Mr. Harold Lever, Mr. Millan and
Mr. Julian Snow*

*Ordered, by The House of Commons,
to be Printed, 22 November 1967*

LONDON

Printed and Published by
Her Majesty's Stationery Office
Printed in England at St. Stephen's
Parliamentary Press

5s. 9d. net

(383791)

[Bill 12]

44/2

